

proposed rule that methylene chloride posed an unreasonable risk to workers. In fact, the Occupational Safety and Hazard Administration (OSHA) told EPA that the OSHA worker protection standard for methylene chloride exposure is more than 20 years old,<sup>4</sup> and that OSHA does not believe that standard is protective enough given the risks to workers that were identified by EPA. In its proposed rule, EPA even assessed whether a worker training program for the proper use of respirators for methylene chloride paint strippers could be effective, and concluded it would be too costly and would likely result in companies voluntarily using alternatives to methylene chloride. Yet despite all of these considerations, EPA finalized a ban that exempts workers and at the same time, requested comments on a potential future rule to provide more worker training measures.

We do not have to look far to learn about the deadly impacts of methylene chloride on commercial users of the chemical. Among the dozens of documented deaths, the chemical robbed [REDACTED] and [REDACTED] of their futures when they succumbed to methylene chloride while stripping paint. [REDACTED] was only [REDACTED] and [REDACTED] was [REDACTED]. Moreover, EPA estimated that every year, tens of thousands of workers across the country conduct paint and coating removal activities with methylene chloride.<sup>5</sup> In particular, the agency identified workers in the building trades as a population that faces a disproportionate risk of adverse health effects from exposure to this chemical. Among them, the agency noted that Latino, foreign-born, and limited-English proficiency workers are particularly vulnerable to exposure.<sup>6</sup>

Given the dozens of deaths of workers, among even those who had been properly equipped and trained to protect themselves against methylene chloride exposure, EPA's failure to protect commercial users of methylene chloride in its ban is likely to lead to more illnesses and deaths that are entirely preventable. Accordingly, we urge you to quickly withdraw the agency's Advanced Notice of Proposed Rulemaking for a Commercial Paint and Coating Removal Training, Certification and Limited Access Program for methylene chloride,<sup>7</sup> and finalize a ban to ensure that both consumer and commercial users of this deadly chemical are protected.

Sincerely yours,

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<sup>4</sup> <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2016-0231-0153>

<sup>5</sup> <https://www.federalregister.gov/d/2017-01222/p-157>

<sup>6</sup> <https://www.federalregister.gov/d/2017-01222/p-162>

<sup>7</sup> [https://www.epa.gov/sites/production/files/2019-03/documents/ocspp-19-000-3427\\_anprm.pdf](https://www.epa.gov/sites/production/files/2019-03/documents/ocspp-19-000-3427_anprm.pdf)



Thomas R. Carper  
United States Senator



Tom Udall  
United States Senator



Charles E. Schumer  
United States Senator



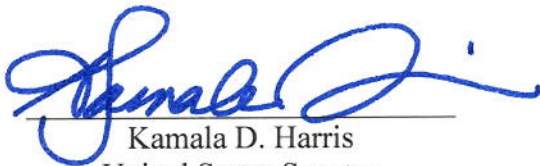
Edward J. Markey  
United States Senator



Sherrod Brown  
United States Senator



Sheldon Whitehouse  
United States Senator



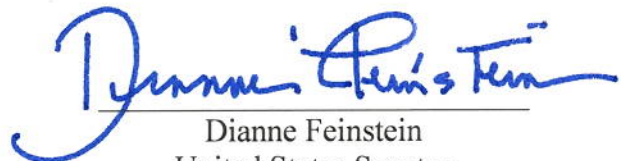
Kamala D. Harris  
United States Senator



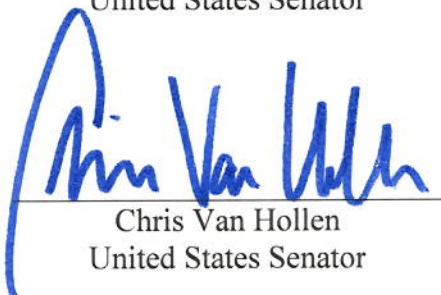
Richard Blumenthal  
United States Senator



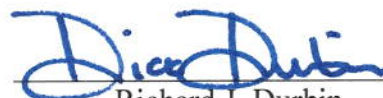
Jeffrey A. Merkley  
United States Senator



Dianne Feinstein  
United States Senator



Chris Van Hollen  
United States Senator




Richard J. Durbin  
United States Senator

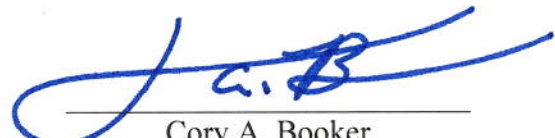


Bernard Sanders  
United States Senator




Tammy Duckworth  
United States Senator

  
Benjamin L. Cardin  
United States Senator


  
Cory A. Booker  
United States Senator

  
Kirsten Gillibrand  
United States Senator

  
Elizabeth Warren  
United States Senator

  
Debbie Stabenow  
United States Senator

  
Tina Smith  
United States Senator

  
Gary C. Peters  
United States Senator

  
Patrick J. Leahy  
United States Senator



**Congress of the United States**  
**House of Representatives**

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6375

[www.science.house.gov](http://www.science.house.gov)

April 10, 2019

The Honorable Andrew Wheeler  
Administrator  
Environmental Protection Agency  
1301 Constitution Ave. NW  
Washington, D.C., 20460

Dear Administrator Wheeler,

We are following up on the letter we sent on March 6, 2019 that requested EPA provide all documents prepared or received by EPA officials in relation to the decision to prevent the NASA Atmospheric Tomography mission from participating in post-hurricane response, with a response deadline of March 20, 2019.

EPA provided a response letter on April 5, over two full weeks past the original document request deadline. This letter from the EPA did not provide any responsive documents per our original request letter from March 6, 2019. The Committee does not consider the original request from March 6 to be complete. The Texas Commission on Environmental Quality and the National Aeronautics and Space Administration, who both received virtually identical letters on March 6, have both provided responsive documents to the Committee.

The letter we sent on March 6, 2019 expressing our concerns and detailing our document request is attached. Please provide the responsive documents by close of business on Friday, April 12. If you have any questions about this request, please feel free to contact John Piazza, Chief Counsel for the Committee at (202) 225-6375.



Thank you for your attention to this matter.

Sincerely,



EDDIE BERNICE JOHNSON

Chairwoman

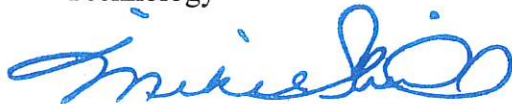
Committee on Science, Space, and  
Technology



LIZZIE FLETCHER

Chair

Subcommittee on Environment



MIKIE SHERRILL

Chairwoman

Subcommittee on Investigations and  
Oversight

Cc:

The Honorable Frank Lucas

Ranking Member

Committee on Science, Space and Technology

# Congress of the United States

## House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6375

[www.science.house.gov](http://www.science.house.gov)

March 6, 2019

The Honorable Andrew Wheeler  
Administrator  
Environmental Protection Agency  
1301 Constitution Ave. NW  
Washington, D.C., 20460

Dear Administrator Wheeler,

We are deeply concerned about a recent report from the LA Times concerning the alleged denial of permission for the National Aeronautics and Space Administration (NASA) to overfly the Houston area to collect air quality measurements following the Hurricane Harvey disaster.<sup>1</sup> According to the LA Times, immediately following Hurricane Harvey, NASA suggested that they divert their state of the art flying chemistry laboratory, known as the Atmospheric Tomography Mission<sup>2</sup>, from a planned test run over Oklahoma to sample the air quality over Houston.<sup>3</sup> However,

“The mission never got off the ground. Both the state of Texas and the EPA told the scientists to stay away.

According to emails obtained by The Times via a public records request and interviews with dozens of scientists and officials familiar with the situation, EPA and state officials argued that NASA’s data would cause ‘confusion’ and might ‘overlap’ with their own analysis — which was showing only a few, isolated spots of concern.

‘At this time, we don’t think your data would be useful,’ Michael Honeycutt, Texas’ director of toxicology, wrote to NASA officials, adding that low-flying helicopters equipped with infra-red cameras, contracted by his agency, would be sufficient.

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<sup>1</sup> Susanne Rust and Louis Sahagun, “Post-Hurricane Harvey, NASA tried to fly a pollution-spotting plane over Houston. The EPA said no.” LA Times, March 5, 2019, accessed here:

<http://www.latimes.com/local/california/la-me-nasa-jet-epa-hurricane-harvey-20190305-story.html>

<sup>2</sup> <https://espo.nasa.gov/atom>

<sup>3</sup> LA Times.

EPA deferred to Honeycutt, a controversial toxicologist who has suggested air pollution may be beneficial to human health.”<sup>4</sup>

This is deeply troubling.

Hurricane Harvey was one of the largest disasters the State of Texas has ever faced. Massive flooding and wind damage caused intense suffering for the people of the Houston area. That suffering was apparently compounded by the release of toxic chemicals from the Houston area’s many industrial areas and Superfund sites. As the LA Times article points out,

“When the storm finally moved north and east on Sept. 4, the level of environmental destruction and confusion on the ground was unprecedented.

Smokestacks, pipelines and generators had been damaged or destroyed. Storage tanks filled with toxic chemicals were battered and leaking. Superfund sites were flooded, spilling hazardous waste into nearby rivers, streams and neighborhoods.”<sup>5</sup>

These environmental concerns were widely reported at the time.<sup>6</sup> Concern about air quality was almost immediately raised following the storm.<sup>7</sup> Those concerns appear to have been mostly dismissed by officials at the Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality.

When disaster strikes, the American people rightly expect their government to provide an “all hands on deck” response. When legitimate health concerns are raised, those concerns should be investigated to the fullest extent possible. If the LA Times report is accurate, the State of Texas and the EPA failed in this respect. Instead of gathering the most accurate air quality data possible, State and Federal officials apparently decided they would rather not know about potential toxic chemical releases that could have been impacting our communities and first responders.

If this is true, it is not only an embarrassment, it is unacceptable.

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<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> Darryl Fears and Brady Dennis, “Houston’s polluted Superfund sites threaten to contaminate floodwaters,” Washington Post, (August 29, 2017), accessed here: [https://www.washingtonpost.com/news/energy-environment/wp/2017/08/29/houstons-flood-threatens-to-turn-polluted-superfund-sites-into-a-toxic-gumbo/?utm\\_term=.f6951fc0bd3a](https://www.washingtonpost.com/news/energy-environment/wp/2017/08/29/houstons-flood-threatens-to-turn-polluted-superfund-sites-into-a-toxic-gumbo/?utm_term=.f6951fc0bd3a)

Hiroko Tabuchi and Sheila Kalpan, “A Sea of Health and Environmental Hazards in Houston’s Floodwaters,” New York Times, (August 31, 2017), accessed here: <https://www.nytimes.com/2017/08/31/us/houston-contaminated-floodwaters.html>

<sup>7</sup> Adam Arlington, “Flooded Houston Facing Threat From Air, Too, With Toxic Gas Releases,” BNA, (August 30, 2017), access here (paywall): <https://www.bgov.com/core/news/#!/articles/OVISPY3H0JK3>



In order for us to fully understand the sequence of events which lead to the decision to not collect additional air quality information following Hurricane Harvey, please provide us with the following information by March 20, 2019:

All documents (including, but not limited to, comments, notes, emails, legal and other memoranda, white papers, scientific references, letters, telephone logs, text messages, meeting minutes and calendars, photographs, slides, and presentations) prepared or received by EPA officials in relation to the decision to prevent the NASA Atmospheric Tomography Mission from participating in post-hurricane response. This should include any documents (as defined above) related to the offer, receipt of the offer, and consideration of the offer to divert the mission to Houston. This should also specifically include any deliberations or communications between or among the State of Texas, EPA, and NASA. This request is intended to be comprehensive, and should include any and all documents (as defined above) related to the possible diversion of the Atmospheric Tomography Mission to the Houston area in the aftermath of Hurricane Harvey.

If you have any questions about this request, please feel free to contact John Piazza, Chief Counsel for the Committee at (202)225-6375.

Thank you for your attention to this matter.

Sincerely,



EDDIE BERNICE JOHNSON  
Chairwoman  
Committee on Science, Space, and Technology



LIZZIE FLETCHER  
Chair  
Subcommittee on the Environment



MIKIE SHERRILL  
Chairwoman  
Subcommittee on Investigations and Oversight

Cc:  
The Honorable Frank Lucas  
Ranking Member  
Committee on Science, Space, and Technology

**Congress of the United States**  
**Washington, DC 20515**

April 15, 2019

The Honorable Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

The Honorable R.D. James  
Assistant Secretary of the Army for Civil Works  
Department of the Army  
108 Army Pentagon  
Washington, D.C. 20310

**Re: Docket ID: EPA-HQ-OW-2018-0149**

Dear Administrator Wheeler and Assistant Secretary James:

We urge the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Army Corps) to desist from their efforts to replace the 2015 Clean Water Rule with a much less protective rule. The proposed rule to redefine “waters of the United States” would burden all Americans, but would have especially devastating impacts on vulnerable communities—particularly rural and low-income communities and communities of color, whose members are already disproportionately harmed by unsound or unsafe environmental policies. The agencies’ effort is contrary to the substance and spirit of Executive Order 12898, which mandates that federal agencies seek to achieve environmental justice and address—not exacerbate—their work’s “disproportionately high and adverse human health or environmental effects” on vulnerable populations.<sup>1</sup>

The proposed rule to redefine “waters of the United States” would be the biggest rollback of clean water protections in the nearly 47 years since the Clean Water Act became law. The EPA and Army Corps’ “Revised Definition of ‘Waters of the United States’” proposal removes basic Clean Water Act protections for a huge portion of waters across the country, including millions of acres of wetlands, as well as millions of U.S. stream miles.<sup>2</sup> The loss of protections for so many of our nation’s waters would be devastating. Waters that are already under constant threat of toxic pollution from industry, runoff, and severe weather and natural disasters would be put at even greater risk of harm or destruction. The agencies acknowledge in the proposal that Clean Water Act jurisdiction would be reduced, which would result in many adverse environmental and economic impacts. These include harmful dredging or filling of streams; reduced wetland habitat; greater pollutant loads; increased oil spill risk; increased flood risk; degraded aquatic habitats; greater waterbody impairments; sediment concentrations and depositions; reduced ecosystem values; downstream inundation damages; greater restoration

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<sup>1</sup> 59 Fed. Reg. No. 32.

<sup>2</sup> U.S. Environmental Protection Agency and U.S. Army Corps of Engineers, Economic Analysis for the Proposed Revised Definition of “Waters of the United States,” at 219-221 (Dec. 14, 2018), [http://www.epa.gov/sites/production/files/2018-12/documents/wotusproposedrule\\_ea\\_final\\_2018-12-14.pdf](http://www.epa.gov/sites/production/files/2018-12/documents/wotusproposedrule_ea_final_2018-12-14.pdf).

costs; greater drinking water treatment costs; greater dredging costs; and greater spill response cost and spill damage.<sup>3</sup> If the EPA were to eliminate Clean Water Act protections as this proposal outlines, the drinking water sources for over 200 million people in the United States could be harmed,<sup>4</sup> causing potentially dramatic impacts on human health and our economy.

Nationwide, rural and low-income communities and communities of color are already disproportionately exposed to toxins in their drinking water, and also have disproportionately few resources with which to manage that danger.<sup>5</sup> The agencies acknowledge that their proposed rule will increase pollutant loads,<sup>6</sup> yet they fail to examine the unjust burden that change would place on vulnerable communities. And according to the EPA's own economic analysis, reduced Clean Water Act coverage would likely result in greater drinking water treatment costs.<sup>7</sup> Small, rural systems are especially vulnerable to drinking water standard violations, having less capacity and fewer resources with which to manage harmful situations when they occur.<sup>8</sup> Water bills are already one of the highest utility costs for families — water prices have more than doubled since 2000, far exceeding the rate of increase for other utilities.<sup>9</sup> And economically depressed small-to-midsized cities and rural areas across the country are facing particular problems as declining tax bases make it difficult for all residents, but especially low-income residents, to afford water service.<sup>10</sup>

By eliminating protections for small streams and wetlands, the proposed rule would also hurt our nation's fisheries. Not only would there be a loss of fish habitat, but there would be an increase in pollution — which can degrade fisheries.<sup>11</sup> Low-income communities and communities of color rely more heavily on subsistence fishing, which would be threatened by this rule.<sup>12</sup> And for many Native Americans, the survival of cultural identity is strongly linked to fishing and indigenous fish species.<sup>13</sup>

<sup>3</sup> U.S. Environmental Protection Agency and U.S. Army Corps of Engineers, Economic Analysis for the Proposed Revised Definition of "Waters of the United States," at 133 (Dec. 14, 2018), [https://www.epa.gov/sites/production/files/2018-12/documents/wotusproposedrule\\_ea\\_final\\_2018-12-14.pdf](https://www.epa.gov/sites/production/files/2018-12/documents/wotusproposedrule_ea_final_2018-12-14.pdf).

<sup>4</sup> Calculations from U.S. Environmental Protection Agency Safe Drinking Water Information System (SDWIS). 2017, <https://ofinpub.epa.gov/apex/sfdw/f?p=108:1::NO::> AND U.S. Census Bureau (USCB). 2017. National and State Population Estimates, <https://www.census.gov/newsroom/press-kits/2017/estimates-demographics.html>.

<sup>5</sup> Clean Water for All, "Water Health and Equity: The Infrastructure Crisis Facing Low-income Communities and Communities of Color — and How to Solve It," AT 8-10 (October 2018), <http://protectcleanwater.org/wp-content/uploads/2017/09/CWFA-Infrastructure-Health-Equity-White-Paper-Oct-2018.pdf>.

<sup>6</sup> U.S. Environmental Protection Agency and U.S. Army Corps of Engineers, Economic Analysis for the Proposed Revised Definition of "Waters of the United States," at 133 (Dec. 14, 2018).

<sup>7</sup> U.S. Environmental Protection Agency and U.S. Army Corps of Engineers, "Economic Analysis for the Proposed Revised Definition of 'Waters of the United States,'" at 125, 133-34 (Dec. 14, 2018), [https://www.epa.gov/sites/production/files/2018-12/documents/wotusproposedrule\\_ea\\_final\\_2018-12-14.pdf](https://www.epa.gov/sites/production/files/2018-12/documents/wotusproposedrule_ea_final_2018-12-14.pdf).

<sup>8</sup> Maura Allaire, Haowei Wu, and Upmanu Lall, Proceedings of the National Academy of Sciences of the United States of America (PNAS), "National Trends in Drinking Water Quality," (February 2018), <https://www.pnas.org/content/pnas/115/9/2078.full.pdf>.

<sup>9</sup> Joseph Kane and Lynn Broadus, The Brookings Institution, "Striking a Better Balance between Water Investment and Affordability," (Sept. 12, 2016), <https://www.brookings.edu/blog/the-avenue/2016/09/12/striking-a-better-balance-between-water-investment-and-affordability/>.

<sup>10</sup> Rep. Brenda Lawrence, *The Hill*, "Environmental Injustice: Access and Affordability of Clean Water," (May 17, 2018), <https://thehill.com/blogs/congress-blog/politics/388154-environmental-injustice-access-and-affordability-of-clean-water>.

<sup>11</sup> Susan Colvin et al., American Fisheries Society, "Headwater Streams and Wetlands are Critical for Sustaining Fish, Fisheries, and Ecosystem Services," at 12-13 (Dec. 2018), <https://fisheries.org/wp-content/uploads/2019/02/Headwaters-Paper-final.pdf>.

<sup>12</sup> Ralph B. Brown and John F. Toth Jr., 17 *Southern Rural Sociology*, "Natural Resource Access and Interracial Associations: Black and White Subsistence Fishing in the Mississippi Delta," at 81, 104 (2001), <http://journalofruralsocialsciences.org/pages/Articles/SRS%202001%2017/SRS%202001%2017%2081-110.pdf>.

<sup>13</sup> Susan Colvin et al., American Fisheries Society, "Headwater Streams and Wetlands are Critical for Sustaining Fish, Fisheries, and Ecosystem Services," at 17-18 (Dec. 2018).



Estimates show that the proposed rule could end protections for many of the 110 million acres of wetlands in the contiguous United States.<sup>14</sup> Wetlands play a critical role in reducing both the frequency and intensity of floods.<sup>15</sup> Low-income and vulnerable communities are disproportionately impacted by increased flooding, as these communities are more likely to be located in flood-prone areas.<sup>16</sup> Due to the loss of wetland protections, the agencies acknowledge increased flood risk would be a result of their proposed rule.<sup>17</sup>

There is abundant evidence that the proposed rule to redefine “waters of the United States” does not protect our nation or its people — and that it fails, in particular, to protect communities that already face undue burdens. In contravention of Executive Order 12898, the proposed rule fails to take into account the adverse impacts it would have “on minority populations, low-income populations, and/or indigenous people.”<sup>18</sup> That failure makes the proposed rule environmentally unjust.

We urge the EPA and Army to Corps to rescind this proposal.

Sincerely,



A. Donald McEachin  
Member of Congress



Pramila Jayapal  
Member of Congress



Nanette Diaz Barragan  
Member of Congress

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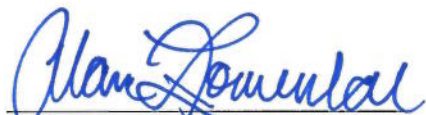
<sup>14</sup> U.S. Fish and Wildlife Service, “Status and Trends of Wetlands in the Conterminous United States 2004-2009,” at 37 (2009), <https://www.fws.gov/wetlands/documents/Status-and-Trends-of-Wetlands-in-the-Conterminous-United-States-2004-to-2009-News-Release.pdf>. AND U.S. Environmental Protection Agency and U.S. Army Corps of Engineers, Economic Analysis for the Proposed Revised Definition of “Waters of the United States,” at 219-221 (Dec. 14, 2018), [http://www.epa.gov/sites/production/files/2018-12/documents/wotusproposedrule\\_ea\\_final\\_2018-12-14.pdf](http://www.epa.gov/sites/production/files/2018-12/documents/wotusproposedrule_ea_final_2018-12-14.pdf).

<sup>15</sup> Environmental Protection Agency, “Economic Benefits of Wetlands,” (May 2006), <https://www.epa.gov/sites/production/files/2016-02/documents/economicbenefits.pdf>.

<sup>16</sup> Dalbyul Lee and Juchul Jung, *KSCE Journal of Civil Engineering*, “The Growth of Low-Income Population in Floodplains: A Case study in Austin, TX,” at 684 (2014), <https://link.springer.com/article/10.1007/s12205-014-0205-z>; Jonathan Katz, *The Washington Post*, “Who suffers when disasters strike? The poorest and most vulnerable,” (September 1, 2017), [https://www.washingtonpost.com/outlook/who-suffers-when-disasters-strike-the-poorest-and-most-vulnerable/2017/09/01/0efab8a2-8e65-11e7-84c0-02cc069f2c37\\_story.html](https://www.washingtonpost.com/outlook/who-suffers-when-disasters-strike-the-poorest-and-most-vulnerable/2017/09/01/0efab8a2-8e65-11e7-84c0-02cc069f2c37_story.html).

<sup>17</sup> U.S. Environmental Protection Agency and U.S. Army Corps of Engineers, “Economic Analysis for the Proposed Revised Definition of ‘Waters of the United States,’” at 133 (Dec. 14, 2018).

<sup>18</sup> 84 Fed. Reg. No. 31 at 4203.



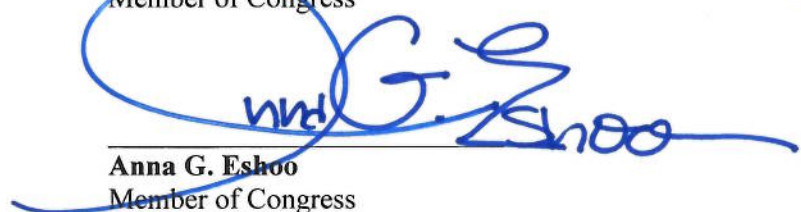
**Alan S. Lowenthal**  
Member of Congress



**Debbie Mucarsel-Powell**  
Member of Congress



**Debbie Dingell**  
Member of Congress



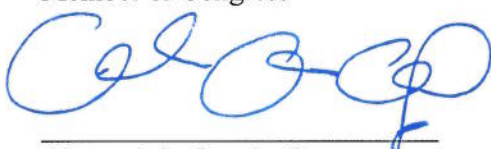
**Anna G. Eshoo**  
Member of Congress



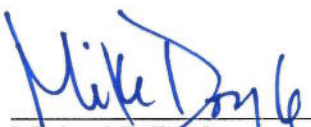
**Ro Khanna**  
Member of Congress



**Andy Levin**  
Member of Congress



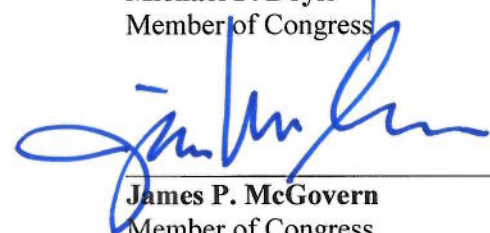
**Alexandria Ocasio-Cortez**  
Member of Congress




**Michael F. Doyle**  
Member of Congress



**John Yarmuth**  
Member of Congress



**James P. McGovern**  
Member of Congress



**Jamie Raskin**  
Member of Congress



**Tom Malinowski**  
Member of Congress



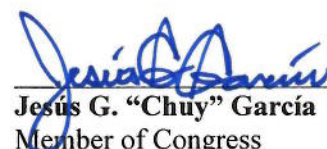
**Sean Casten**  
Member of Congress



**Gilbert R. Cisneros, Jr.**  
Member of Congress



**Mark DeSaulnier**  
Member of Congress



**Jesus G. "Chuy" Garcia**  
Member of Congress



**Ayanna Pressley**  
Member of Congress



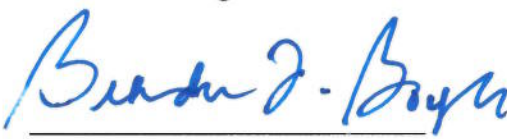
**Earl Blumenauer**  
Member of Congress




  
**Debbie Wasserman Schultz**  
Member of Congress

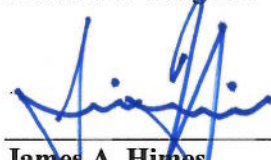
  
**Donald S. Beyer Jr.**  
Member of Congress

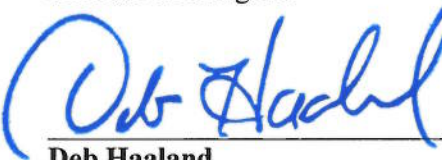
  
**Ruben Gallego**  
Member of Congress

  
**Brandon F. Boyle**  
Member of Congress

  
**Robert C. "Bobby" Scott**  
Member of Congress

  
**Susan A. Davis**  
Member of Congress

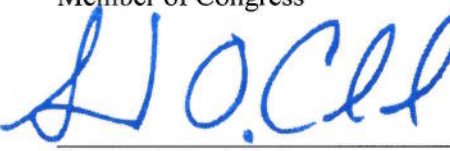
  
**James A. Himes**  
Member of Congress

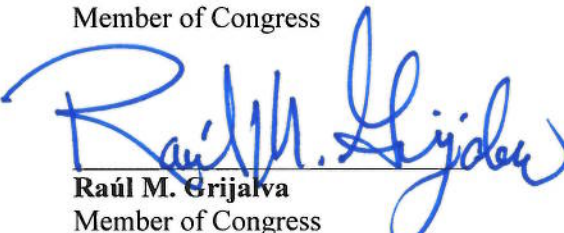
  
**Deb Haaland**  
Member of Congress


  
**Joseph D. Morelle**  
Member of Congress

  
**Donna E. Shalala**  
Member of Congress

  
**Mark Pocan**  
Member of Congress

  
**Salud O. Carbajal**  
Member of Congress


  
**Raúl M. Grijalva**  
Member of Congress

  
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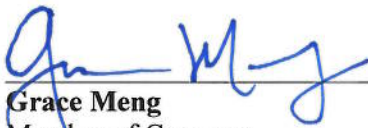
**Eleanor Holmes Norton**  
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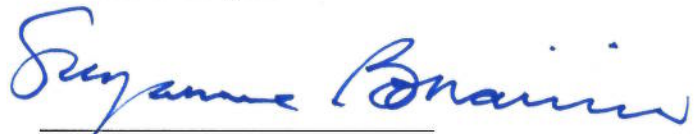
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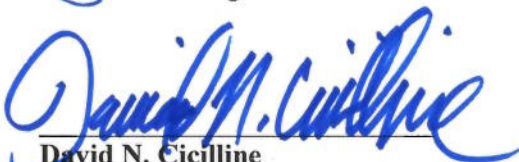
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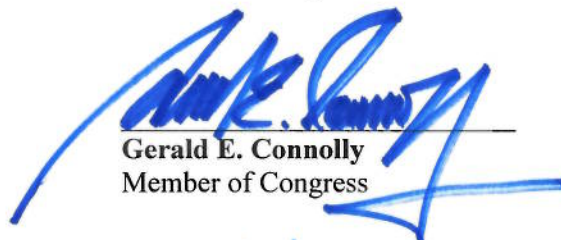
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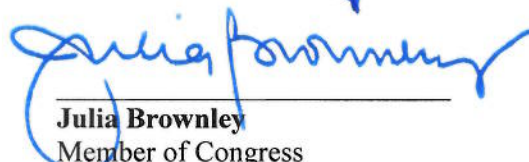
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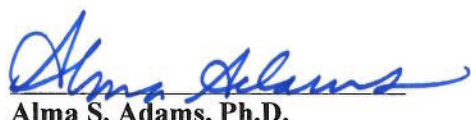
  
**Jose E. Serrano**  
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**Janice D. Schakowsky**  
Member of Congress

  
**Paul Tonko**  
Member of Congress

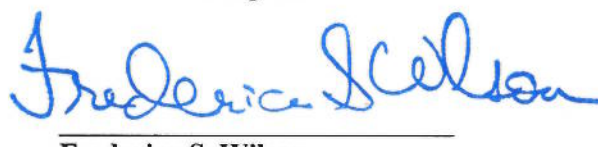
  
**Bill Pascrell, Jr.**  
Member of Congress

  
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Member of Congress

  
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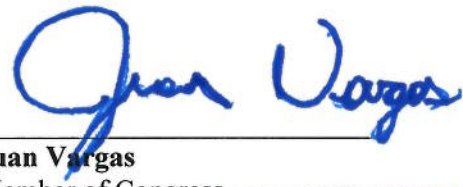
  
**Jackie Speier**  
Member of Congress

  
**Bennie G. Thompson**  
Member of Congress

  
**Barbara Lee**  
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**Pete Aguilar**  
Member of Congress

  
**Jimmy Gomez**  
Member of Congress

  
**Juan Vargas**  
Member of Congress



# United States Senate

WASHINGTON, DC 20510

April 10, 2019

Honorable Cathy Stepp  
Region 5 Administrator  
U.S. Environmental Protection Agency  
77 W. Jackson Blvd.  
Chicago, Illinois 60604

Honorable David Ross  
Assistant Administrator, Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. N.W.  
Washington, D.C. 20406-4101

Re: Meadows Business Park - (MVP-2015 - 02665 KDZ) - Tomah, WI

Dear Administrator Stepp and Assistant Administrator Ross:

My staff is aware of ongoing difficulties faced by the City of Tomah, WI, and a constituent who is seeking proper federal approval to construct a new business park development in the city on a 60-acre parcel of farm land. It appears the required Approved Jurisdictional Decision (AJD) has not been properly substantiated by Army Corps of Engineers (ACOE) staff, largely because of concerns that construction on the site would violate existing Environmental Protection Agency (EPA) Waters of the United States (WOTUS) restrictions.

It is my understanding that years of efforts to overcome the ACOE's objections have included numerous meetings, letters and inquiries involving the permit applicants and both ACOE and EPA officials. My staff were involved in some of those meetings and conversations. I'm concerned the 2015 WOTUS rule, and the EPA's current repeal-and-replace rulemaking efforts, has made the ACOE's decision-making unclear, particularly as it pertains to definitions and jurisdiction. The result of recent court rulings may have also led to confusion or misinterpretation by the parties involved.

I respectfully request you direct your respective staffs to give their full and fair consideration to the EPA-specific arguments being made by the development's permit applicants. As always, I appreciate your continued efforts to make fair, equitable, and timely WOTUS-related determinations, just as you would do for any economic development proposal on a similar property in an adjacent municipality or county.

If my office can be of assistance to you, please do not hesitate to reach out to Tom Petri on my Madison staff. Tom can be reached at (608) 240-9629. Thank you for your attention to this matter.

Sincerely,



Ron Johnson  
US Senator

cc. Col. Sam Calkins, Commander, Army Corps of Engineers, St. Paul, MN District

WASHINGTON OFFICE:  
328 HART SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-5323

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MILWAUKEE OFFICE:  
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MILWAUKEE, WI 53202  
(414) 276-7282

MADISON OFFICE:  
5315 WALL STREET, SUITE 110  
MADISON, WI 53718  
(608) 240-9629

# Congress of the United States

## House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6375  
[www.science.house.gov](http://www.science.house.gov)

April 3, 2019

The Honorable Andrew Wheeler  
Administrator  
Environmental Protection Agency  
1301 Constitution Ave. NW  
Washington, D.C., 20460

Dear Administrator Wheeler,

We write to express our concern about the Program Outlook issued yesterday by the Environmental Protection Agency (EPA) regarding the upcoming workflow of the Integrated Risk Information System (IRIS).<sup>1</sup> The list issued is identical to that issued on December 19, 2018, but the message accompanying the list formally stated that the EPA is officially discontinuing IRIS's work on formaldehyde.

The formaldehyde assessment has been ready for public comment since at least the end of 2017, as confirmed by your predecessor, former Administrator Scott Pruitt, at a January 2018 Senate hearing.<sup>2</sup> Though the Agency has been successful in suppressing its release to the public, press reports indicate that the IRIS assessment concludes formaldehyde causes leukemia and other cancers.<sup>3</sup> It is unacceptable that the EPA is hiding information on a probable carcinogen from the American people.<sup>4</sup>

On March 20, 2019, the EPA announced that formaldehyde will be assessed under the Toxic Substances Control Act (TSCA).<sup>5</sup> It is absurd that formaldehyde can simultaneously be a high-priority chemical under TSCA and not be a priority at all for IRIS. These processes are not mutually exclusive, nor do they serve the same purpose, and it is unacceptable that the agency is apparently treating them as such by discontinuing IRIS's work. When asked about this discrepancy at a Science Committee hearing last week, Dr. Jennifer Orine-Zavaleta, the Principal Deputy Assistant Administrator for EPA's Office of Research and Development (ORD), said: "I wouldn't say that [formaldehyde is] not a priority for IRIS. We have

<sup>1</sup> "A Message from the IRIS Program," Environmental Protection Agency, April 2019, accessed here: [https://www.epa.gov/sites/production/files/2019-04/documents/iris\\_program\\_outlook\\_apr2019.pdf](https://www.epa.gov/sites/production/files/2019-04/documents/iris_program_outlook_apr2019.pdf)

<sup>2</sup> Eric Levitz, "The EPA Is Hiding Proof That a Widely Used Chemical Causes Leukemia; Report," *New York Magazine*, July 6, 2018, accessed here: <http://nymag.com/intelligencer/2018/07/the-epa-is-hiding-proof-that-formaldehyde-causes-leukemia.html?gtm=top&gtm=top>

<sup>3</sup> Annie Snider, "Sources: EPA blocks warnings on cancer-causing chemical," *Politico*, July 6, 2018, accessed here: <https://www.politico.com/story/2018/07/06/epa-formaldehyde-warnings-blocked-696628>

<sup>4</sup> "Formaldehyde," International Agency for Research on Cancer, Volume 100F, 2012, accessed here: <https://monographs.iarc.fr/wp-content/uploads/2018/06/mono100F-29.pdf>


<sup>5</sup> "Reaching Another TSCA Milestone, EPA Identifies 40 Chemicals to Prioritize for Risk Evaluation," U.S. Environmental Protection Agency, March 20, 2019, accessed here: <https://www.epa.gov/newsroom/reaching-another-tsca-milestone-epa-identifies-40-chemicals-prioritize-risk-evaluation>


not discontinued that work.”<sup>6</sup> Dr. Orme-Zavaleta is the highest-ranking career official at ORD, and it appears she was unaware of EPA’s plan to drop IRIS’s formaldehyde assessment just one week before the decision was publicized. These decisions should come from a sincere, deliberative process that includes career scientists, but it appears political appointees at EPA left Dr. Orme-Zavaleta in the dark. Furthermore, the Agency allowed its principal deputy assistant administrator of ORD to come to the Science Committee hearing unprepared to answer questions on EPA’s plans for a highly controversial chemical.

In order to understand the decision-making process behind formaldehyde’s shift from IRIS’s to TSCA’s priority list, we request a staff-level briefing from relevant parties in the Office of Chemical Safety and Pollution Prevention (OCSPP), ORD, and any other office that participated in decisions related to formaldehyde. We request that the EPA send employees who are capable of fully answering questions on the issues outlined in this letter and discussed at last week’s hearing. Please have your staff contact Janie Thompson or Sara Palasits at (202) 225-6375 to schedule the briefing.

The formaldehyde assessment has been years in the making. The National Academies of Sciences stands ready to review the assessment, already having entered a \$500,000 contract with the EPA.<sup>7</sup> We urge EPA to allow the formaldehyde assessment to be released for review and to stop hiding the chemical’s dangers from the American people, whose tax dollars paid for this work and whose well-being depends on the agency fulfilling its mandate to protect human health and the environment.

Sincerely,

  
Eddie Bernice Johnson  
Chairwoman  
Committee on Science, Space & Technology

  
Mikie Sherrill  
Chairwoman  
Subcommittee on Investigations and Oversight

Cc:  
The Honorable Frank Lucas  
Ranking Member  
Committee on Science, Space & Technology

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<sup>6</sup> “EPA’s IRIS Program: Reviewing Its Progress and Roadblocks Ahead,” House Committee on Science, Space, & Technology, March 27, 2019, accessed here: <https://science.house.gov/hearings/epas-iris-program-reviewing-its-progress-and-roadblocks-ahead>

<sup>7</sup> Annie Snider, “Sources: EPA blocks warnings on cancer-causing chemical,” *Politico*, July 6, 2018, accessed here: <https://www.politico.com/story/2018/07/06/epa-formaldehyde-warnings-blocked-696628>



JACK REED  
RHODE ISLAND  
COMMITTEES  
APPROPRIATIONS  
ARMED SERVICES, RANKING MEMBER  
BANKING, HOUSING, AND URBAN AFFAIRS  
INTELLIGENCE EX OFFICIO

## United States Senate

WASHINGTON, DC 20510-3903

April 4, 2019

Mr. Andrew Wheeler  
Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, Northwest  
Washington, DC 20004

Dear Administrator Wheeler:

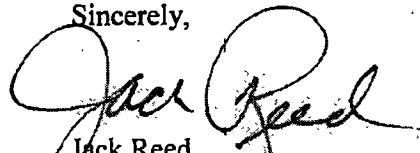
I write to you on behalf of the Town of Westerly, Rhode Island and its application to the FY 2019 Brownfields Multipurpose, Assessment, and Cleanup grant competition. The Town of Westerly's grant application was removed from consideration due to the grant proposal not meeting certain threshold criteria.

As the enclosed correspondence indicates, the Town of Westerly is submitting information to demonstrate that the necessary criteria was included in its grant application. The government shutdown placed a burden on applicants and their ability to communicate application issues prior to the grant deadline.

Therefore, I respectfully ask, within all applicable rules and regulations, that the Town of Westerly's request be reviewed to determine if the threshold criteria had been met and is eligible for consideration.

Thank you for your attention to this request and I look forward to your response.

Sincerely,

  
Jack Reed  
United States Senator

Washington, DC

728 Hart Senate Office Building  
Washington, DC 20510-3903  
(202) 224-4642

Rhode Island

1000 Chapel View Boulevard, Suite 290  
Cranston, RI 02910-3074  
(401) 943-3100

One Exchange Terrace, Room 409  
Providence, RI 02903-3174  
(401) 528-5200

1 (800) 284-4200

TDD Relay Rhode Island  
1 (800) 743-5555

<http://reed.senate.gov>

*Town of Westerly  
Rhode Island*

DEPARTMENT OF  
DEVELOPMENT SERVICES

Lisa Pellegrini, Director



Town Hall  
45 Broad Street  
Westerly, RI 02891  
TEL: (401) 348-2553  
FAX: (401) 348-2513

March 25, 2019

Mr. James Bryne  
Program Lead, Cleanup & State Funding  
EPA New England - Region 1  
5 Post Office Square, Suite 100  
OSRR07-2  
Boston, MA 02109-3912

**Re: Town of Westerly Brownfield Grant Threshold Criteria & ABCA Draft**

Dear Mr. Bryne,

Thank you for taking my call on Friday March 22, 2019, regarding the letter we received informing us that we did not meet the threshold criteria requirements in the Town's application for the Brownfields Clean Up Grant. Per your request, I am sending you the draft Analysis of Brownfield Cleanup Alternatives (ABCA) that was available at the Department of Development Services for the public to review and comment on. This document, along with additional site information, including the Phase I Environmental Site Assessment Report, as well as the draft Phase II Environmental Site Assessment Report, was available to the public throughout the grant application period.

I greatly apologize for the misunderstanding and any confusion regarding the format required for the application. I interpreted the requirement to mean the public notice letter was sufficient. I also believed that if the information included in the draft ABCA was incorporated throughout the grant application the requirement would be met.

I am hoping that this information will verify that while there was some confusion as to the format of the application, we did actually fulfill the intent of the requirements of the threshold criteria. The new grant requirements raised many questions as to what was required and what was intended as acceptable format.

Unfortunately, due to the extended government shutdown we were forced to interpret many items on our own. I greatly appreciate the opportunity to clarify our intent and to also explain the hardship we experienced due to the extended federal government shutdown. I sincerely hope that this information will suffice to demonstrate that we did meet the threshold criteria and that we can now proceed with going forward in the grant process.

My sincerest thanks and appreciation for your time and consideration to this matter.

Sincerely,

Lisa Pellegrini  
Director of Development Services

**Analysis of Brownfields Cleanup Alternatives**  
**Former Bradford Printing & Finishing, 460 Bradford Road, Westerly RI**  
**Prepared by the Town of Westerly**

**I. Introduction & Background**

**a. Site Location**

The former Bradford Printing & Finishing is located at 460 Bradford Road in Westerly, Rhode Island (herein referred to as "the Site").

**b. Previous Site Use(s) and any Previous Cleanup/Remediation**

The Site consists of 61.25 acres and is bordered to the north by the Pawcatuck River, to the east by Bradford Road (aka Main Street and Route 216), to the south by residences on Bowling Lane, and to the west by the Pawcatuck River and vacant woodland. The existing mill complex occupies the center portion of the parcel. Four lagoons that were part of a former on-site wastewater treatment system are located on the northwestern portion of the parcel. The southeastern portion of the Site is used for parking while the southwestern portion is wooded. The Site is zoned for general industrial (GI) use.

The Site has been used for mill activities since the early 18th century. Early operations utilized the water power provided by the Pawcatuck River, supporting at various times a sawmill, gristmill, and by the early 19th century, textile mills. Textile operations continued through much of the 19th century, and near the turn of the century the operations shifted to dyeing and finishing of fabrics. In 1910 the Site was bought by Bradford Dyers Association, who then undertook a massive expansion of the millworks. The Site was used as a textile finishing and dyeing plant from 1911 through 2012 when Bradford Printing & Finishing went bankrupt. Since 1911, the Site has consisted of a large mill complex with storage warehouses and several outbuildings. The Site buildings/structures/areas consist of the following: 1) main mill building complex, 2) warehouse/chemical storage building, 3) a lagoon-based wastewater treatment system, 4) former water supply well network and pump house and 5) vehicle parking and vehicle storage building.

**c. Site Assessment Findings**

Utilizing EPA Brownfields Assessment funding, on behalf of the Town of Westerly, Wood Environment & Infrastructure Solutions, Inc. completed an environmental site assessment of the former Bradford Printing & Finishing facility in 2018 which included the following:

- Ground-Penetrating Radar study to clear intrusive subsurface sampling locations and identify potential buried utilities and structures (including underground storage tanks);
- Subsurface soil gas screening investigation for volatile organic compounds;
- Advancement of 18 soil borings and installation of seven groundwater monitoring wells;
- Collection and analysis of groundwater samples from 18 locations;
- Collection and analysis of six surface water samples and eight sediment samples;
- Collection and analysis of 10 soil samples;
- Test pit/exposure of UST to confirm presence and size;
- Synoptic water level round; and
- Survey of all exploration locations.



Key findings of the ESA include the following:

- Groundwater flow at the facility is generally north, northeast and northwest towards the Pawcatuck River.
- The water table is shallow beneath the site, generally encountered within 5 to 15 feet of the ground surface.
- Historically, the treatment system collected/treated water from a variety of onsite sources, including stormwater (parking areas and roofs, etc.), process water and sanitary sewage.
- Numerous drums remain on the site, primarily staged within the main mill building.
- One historic, circa 1922, 10,200-gallon UST was confirmed beneath the floor of the mill building. The UST appeared to contain approximately 5,000 gallons of oily water.
- A variety of analytes were detected in groundwater, surface water, soil, and sediment. Compounds detected above potentially relevant RIDEM GA groundwater and RDEC and I/CDEC soil criteria included PFAS, TPH, PAHs, metals, and VOCs. However, with the exceptions of PFAS, both the frequency of exceedances and concentrations associated with the exceedances were generally low.
- PFAS were detected in all analyzed samples. Concentrations were higher at downgradient locations (lagoons, wells adjacent to river, etc.), and lowest in the background/upgradient well location. Based on an observed drum label, PFAS may have been used in fabric treatment processes for water and stain resistance.
- VOC exceedances were observed in soil and/or groundwater samples from the dyeing area and drum storage building. Compounds exceeding RDEC or GA criteria included chlorinated compounds, often used in industrial and fabric preparation processes for cleaning and degreasing.
- Arsenic was the only metal detected at concentrations above relevant criteria. It was detected at one location slightly above its RDEC and I/CDEC of 7 mg/kg.
- SVOCs were present at low levels in soil and sediment. However, the only RDEC exceedance was in one soil sample, SS-4, where two PAHs slightly exceeded the criteria. The sample, SS-4, was from the railroad siding. PAHs are often found in soils from railroad yards, sidings, and railroad rights-of-way, and are associated with railroad ties, coal and cinders, and fuel and lubricating oils resulting from standard railroad operations.
- Due to the detection of numerous contaminants at levels exceeding their respective RIDEM criteria, a Notification of Release should be prepared and submitted to the RIDEM Office of Waste Management in accordance with Section 5.01 of the RIDEM Remediation Regulations.
- Based on a preliminary visual inspection, asbestos-containing materials are present throughout much of the facility.

#### d. Project Goal

The planned reuse of the Former Bradford Printing & Finishing Site is a mixed use industrial/commercial campus. Prior to creation of the campus, the four former wastewater lagoons will be dewatered, the PFAS contaminated water will be disposed of, and the four lagoons will be backfilled with certified clean low permeable fill material to create an engineered cap. Groundwater monitoring of four existing PFAS contaminated downgradient groundwater monitoring wells located between the lagoons and the Pawcatuck River will be performed periodically over time to document that removal of the contaminated lagoon water and encapsulation of the contaminated lagoon sediment is a positive outcome of the implementation of the Town of Westerly Brownfields Cleanup Grant.

An Environmental Land Usage Restriction (ELUR) would be established to require future inspections and maintenance of this engineered cap. This ELUR would be recorded in the land evidence records for the Site with the Town of Westerly. There would also be a Soil Management Plan prepared for the Site to provide procedures to be followed during any future development that would affect the engineered cap.

## **II. Applicable Regulations and Cleanup Standards**

### **a. Cleanup Oversight Responsibility**

The Rhode Island Department of Environmental Management (RIDEM) Voluntary Cleanup Program (VCP) is the regulatory cleanup authority associated with the Site. RIDEM's VCP was officially recognized by EPA Region I in a Memorandum of Agreement signed in 1998. The Site is secured with a locked perimeter fence, RIDEM is fully aware of the Site contaminants, and the Town will award a contract to an on-call environmental engineering firm to oversee implementation of the remedy. The environmental engineering firm will be required to be familiar with the RIDEM VCP Rules and Regulations, and will be on call should anything unexpected happen during the cleanup of the Site. In addition, a local policing unit will routinely patrol the perimeter of the Site. The cleanup will be overseen by RIDEM, and all documents prepared for the Site will be submitted to RIDEM's Office of Waste Management.

### **b. Cleanup Standards for Major Contaminants**

RIDEM's Industrial/Commercial Direct Exposure Criteria is applicable for an industrial/commercial campus and will be used as the cleanup standards at the Site.

### **c. Laws & Regulations Applicable to the Cleanup**

RIDEM's Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (Remediation Regulations) are applicable to the Site and will be followed throughout remediation and redevelopment activities. Other applicable laws include, but are not limited to, the Federal Small Business Liability Relief and Brownfields Revitalization Act, the Federal Davis-Bacon Act, and Federal, State, and local laws regarding procurement of contractors to conduct the cleanup.

## **III. Evaluation of Cleanup Alternatives**

### **a. Cleanup Alternatives Considered**

To address contamination at the Site, three different alternatives were considered, including Alternative #1: No Action, Alternative #2: Capping, and Alternative #3: Excavation with Offsite Disposal.

### **b. Cost Estimate of Cleanup Alternatives**

To satisfy EPA requirements, the effectiveness, implementability, and cost of each alternative must be considered prior to selecting a recommended cleanup alternative.

#### Effectiveness

**Alternative #1:** No Action is not effective in controlling or preventing the exposure of receptors to contamination at the Site.

**Alternative #2:** Capping is an effective way to prevent receptors from coming into direct contact with contaminated sediments at the Site. An Environmental Land Usage Restriction (ELUR) would be established to require future inspections and maintenance of this engineered cap. This ELUR would be recorded in the land evidence records for the Site with the Town of Westerly. There would also be a Soil Management Plan prepared for the site to provide procedures to be followed during any future site development that would affect the engineered cap.

**Alternative #3:** Excavation with Offsite Disposal is an effective way to eliminate risk at the Site, since contamination will be removed and the exposure pathways will no longer exist.

#### Implementability

**Alternative #1:** No Action is easily implementable.

**Alternative #2:** Capping is relatively easy to implement, and ongoing monitoring and maintenance of the cap is also easy to implement.

**Alternative #3:** Excavation with offsite disposal is moderately difficult to implement. Coordination (e.g., dust suppression and monitoring) during cleanup activities and short-term disturbance to the community (e.g., trucks transporting contaminated sediments and backfill) are anticipated. However, ongoing monitoring and maintenance will not be required following excavation and offsite disposal.

#### Cost

There will be no costs under Alternative #1: No Action. It is estimated that Alternative #2: Capping costs will be on the order of \$500,000. Alternative #3: Excavation with Offsite Disposal is estimated to cost roughly \$2,000,000.

#### **c. Recommended Cleanup Alternative**

The recommended cleanup alternative is Alternative #2: Capping. Alternative #1: No Action cannot be recommended since it does not address Site risks. Alternative #3: Excavation and Offsite Disposal would require extensive dust suppression and monitoring efforts, and cause disruption to the neighboring community. Alternative #2: Capping would be less disruptive to the neighboring community, and is a cost effective way to create an industrial/commercial campus to help support the neighboring community. For these reasons, Alternative #2: Capping is the recommended alternative.







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

March 14, 2019

Lisa Pellegrini  
Town of Westerly  
45 Broad Street  
Westerly, RI 02891

Re: Town of Westerly, Rhode Island Cleanup Grant Application for the Bradford Dye Association property

Dear Ms. Pellegrini:

Thank you for submitting a grant proposal for the Environmental Protection Agency's (EPA) FY 2019 Brownfields Multipurpose, Assessment, and Cleanup Grant competition. **I regret to inform you that your grant proposal failed to meet certain threshold (pass/fail) criteria** as outlined in the *Proposal Guidelines for Brownfields Multipurpose, Assessment, and Cleanup Grants (November 2018)* (the Guidelines):

Your application failed to meet the community notification requirements stated in the Guidelines. The Guidelines (Section III.B.12) require that the applicant attach to the proposal a copy of the draft Analysis of Brownfield Cleanup Alternatives (ABCA) and a draft ABCA was not attached to your proposal. In addition, the Guidelines require that the applicant provide an opportunity to comment on the draft grant proposal, including the draft ABCA. The town's community notification does fully make clear that a copy of the draft proposal and ABCA is available for review and comment.

Failing a threshold criterion means that the grant proposal did not pass an eligibility determination and, therefore, will not receive any further consideration in the evaluation process and will not be able to receive funding in this fiscal year 2019 grant competition.

You may receive more detailed information regarding the basis for our decision on your proposal's ineligibility by making a request to me within 15 calendar days of the date you receive this letter. Upon receiving a debriefing request, I will contact you to schedule a debriefing at a mutually agreeable time and place as soon as practicable, or alternatively provide you with a written debriefing letter as soon as practicable, depending on your preference.

For further information about the debriefing process and your dispute rights with respect to competition-related issues under the subject announcement, please refer to Section VI. of the Guidelines. If you have any questions about the debriefing and dispute process, you may contact me directly.

EPA commends your efforts and appreciates the time and energy you put into preparing your proposal. Although your grant proposal is considered ineligible at this time, we thank you for your continued efforts to return brownfields to productive use and hope that we can continue to work

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together on addressing brownfields sites in your community. If you have questions or need additional information, please contact Jim Byrne at [byrne.james@epa.gov](mailto:byrne.james@epa.gov) or 617-918-1389.

Sincerely,

A handwritten signature in black ink, appearing to read 'JP', with a horizontal line extending to the right.

John Podgurski  
Brownfields Section Chief

cc: Jerry Minor-Gordon, Office of Brownfields & Land Revitalization  
Dorrie Paar, Region 1 National Panel Coordinator  
Jim Byrne, Region 1 Cleanup Lead

DR. JEFFERSON VAN DREW  
2ND DISTRICT OF NEW JERSEY



CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515

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AND DEPARTMENT OPERATIONS  
HOUSE NATURAL RESOURCES COMMITTEE  
SUBCOMMITTEE ON WATER, OCEANS  
AND WILDLIFE

April 9, 2019

Andrew R. Wheeler  
Administrator of the Environmental Protection Agency  
USEPA Headquarters  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Wheeler:

I write to you today regarding the concerns I have with the proposal to change the Clean Air Act and allowing the year-round sale of gasoline blended with up to 15 percent ethanol (E15).

This proposed change fails to recognize the realities of U.S. infrastructure and demand. Based on model year warranties and an assessment of vehicles on the road today, it is estimated that as many as 75 percent of America's cars are not designed for E15 fuel. Also, the EPA explicitly states that E15 should not be used in most all motorcycles, boats, outdoor power equipment, and other small engines that exist in almost every American home.

The increased risk of misfuelling will subject New Jersey residents and all Americans to expensive repairs to engines and fuel systems. Changing the law to expand E15 sales will negatively impact the many New Jersey boaters, motorcyclists, and small engine owners.

At this point in time, it would be extremely helpful for the EPA to make completely ethanol free fuel readily available at a higher rate than E10 or E15. There are certainly other ways to supplement our American farmers, as well as other meaningful reforms needed to right the broken path of the Renewable Fuel Standard and the Clean Air Act.

I thank you for the consideration you can give to this request to seek out other meaningful reforms to improve our environment. Please do not hesitate to contact me should I be of any assistance to you. I hope you have a happy and healthy spring season.

Best wishes,

A handwritten signature in black ink, appearing to read "Jeff Van Drew".

Jeff Van Drew  
United States Congressman NJ2



SHELDON WHITEHOUSE  
RHODE ISLAND

COMMITTEES:  
BUDGET  
ENVIRONMENT AND PUBLIC WORKS  
FINANCE  
JUDICIARY

United States Senate  
WASHINGTON, DC 20510-3905

<http://whitehouse.senate.gov>

(202) 224-2921  
TTY (202) 224-7746

170 WESTMINSTER STREET, SUITE 200  
PROVIDENCE, RI 02903  
(401) 453-5294

April 8, 2019

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APR 15 2019

OFFICE OF THE REGIONAL ADMINISTRATOR

Ms. Deborah Szaro  
Acting Regional Administrator  
U.S. Environmental Protection Agency - Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109

Dear Ms. Szaro:

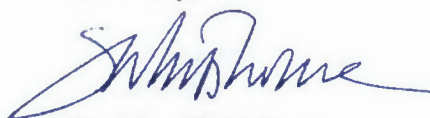
I write in support of the application submitted by the Women's Resource Center of Newport (WRC) to secure funding through the EPA's Environmental Justice Small Grants Program.

Founded in 1977, WRC is dedicated to providing support services to individuals experiencing domestic violence. The organization also serves as the backbone agency of the Newport Health Equity Zone, an initiative to encourage and support residents and community partners to collaborate on strategies to achieve health equity and promote healthy communities.

EPA funding would allow WRC to work with the Eastern RI Conservation District, the Housing Authority of Newport, and the RI Green Infrastructure Coalition on a project in the North End of Newport, one of the state's most underserved neighborhoods. Specifically, this collaborative effort would focus on educating and engaging residents in planning around flooding resilience, emergency preparedness, storm water management, and green infrastructure solutions. Further, the work developed by this project would serve as a model for resiliency planning in underserved neighborhoods.

I respectfully request that you consider this request within the rules and regulations of your agency. If you have any questions, please feel free to contact Karen Bradbury in my office at 401-453-5294 or via email at [karen\\_bradbury@whitehouse.senate.gov](mailto:karen_bradbury@whitehouse.senate.gov). Thank you.

Sincerely,



Sheldon Whitehouse  
United States Senator

United States Senate

WASHINGTON, DC 20510-3905

OFFICIAL BUSINESS

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*John L. ...*  
U.S.S.

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Ms. Deborah Szaro  
Acting Regional Administrator  
U.S. Environmental Protection Agency - Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109

04/11



# Congress of the United States

## House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6375  
[www.science.house.gov](http://www.science.house.gov)

April 11, 2019

Jennifer Orme-Zavaleta, Ph.D.  
Principal Deputy Assistant Administrator for Science and EPA Science Advisor  
Office of Research and Development  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave NW  
Washington, DC 20460

Dear Dr. Orme-Zavaleta:

On behalf of the Committee on Science, Space, and Technology, Subcommittee on Investigations & Oversight, and Subcommittee on Environment, we want to express our sincere appreciation for your participation in the March 27, 2019 joint hearing entitled "*EPA'S IRIS Program: Reviewing Its Progress And Roadblocks Ahead.*"

We have attached a transcript of the hearing for your review. The Committee's rule pertaining to the printing of transcripts is as follows:

*The transcripts of those hearings conducted by the Committee, when it is decided they will be printed, shall be published in substantially verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Individuals, including Members, whose comments are to be published as part of a Committee document shall be given the opportunity to verify the accuracy of the transcription in advance of publication. Any requests by those Members, staff, or witnesses to correct any errors other than errors in the transcript, or disputed errors in transcription, shall be appended to the record, and the appropriate place where the change is requested will be footnoted. Prior to approval by the Chair of hearings conducted jointly with another Congressional Committee, a memorandum of understanding shall be prepared which incorporates an agreement for the publication of the transcript.*

Transcript edits, if any, should be submitted by **Wednesday, April 24, 2019**. If no edits are received by the above date, we will presume that you have no suggested edits to the transcript.

We are also attaching questions submitted for the record by Members of the Committee. Please submit answers to all of the enclosed questions no later than **Wednesday, April 24, 2019**.

All transcript edits and responses to questions should be submitted to both of us and directed to the attention of Caitlin Buchanan. If you have any further questions or concerns, please contact Caitlin Buchanan at (202) 225-8500.

Sincerely,

A handwritten signature in black ink, appearing to read "Mikie Sherrill". The signature is fluid and cursive, with a large loop at the end.

Representative Mikie Sherrill  
Chairwoman  
Subcommittee on Investigations &  
Oversight  
Committee on Science, Space, and  
Technology

A handwritten signature in black ink, appearing to read "Lizzie Fletcher". The signature is bold and cursive, with a large loop at the end.

Representative Lizzie Fletcher  
Chair  
Subcommittee on Environment  
Committee on Science, Space, and  
Technology



HOUSE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY  
SUBCOMMITTEE ON INVESTIGATIONS & OVERSIGHT

“EPA’S IRIS Program: Reviewing Its Progress And Roadblocks Ahead.”

Questions for the Record to:

Jennifer Orme-Zavaleta, Ph.D.

Principal Deputy Assistant Administrator for Science and EPA Science Advisor  
Office of Research and Development  
U.S. Environmental Protection Agency

**Submitted by Subcommittee Chairwoman Mike Sherrill (D-NJ)**

- In fall of 2018, David Dunlap assumed the role of deputy assistant administrator of ORD. Around the same time, ORD initiated the second round of the survey process, which you said you had no involvement in, though you had disseminated the first round. Did the process switch from your purview to David Dunlap’s, and if so, when? What was his involvement in compiling the December 2018 and the April 2019 Program Outlook documents? What was yours? Was David Dunlap involved in decisions relating to formaldehyde prior to his December 2018 recusal?
- In the April 2019 Program Outlook, EPA lists some chemicals as “discontinued” and some as “suspended.” What is the distinction between these classifications? What does it mean that assessments of suspended chemicals may be “restarted as Agency priorities change?” How does this differ from how work on a currently discontinued chemical may be picked up in response to changing priorities?
- According to your testimony, OCHP submitted its final list of priority chemicals for the IRIS survey exactly one day after ORD released a Program Outlook for the IRIS program in December 2018. As a result, ORD did not incorporate OCHP’s priorities into the official IRIS Program Outlook. As it was compiling the December 2018 Program Outlook, did ORD make any effort to obtain OCHP’s second-round survey response? What internal communications, written or oral, did OCHP receive regarding the timing and/or content of this second-round survey? Which EPA offices and officials communicated with OCHP regarding the IRIS survey, and to whom at OCHP were they communicating?
- In September 2018, the Director of OCHP was placed on Administrative Leave. Please identify the career employee or employees at OCHP who oversaw the compilation of OCHP’s final list of priority chemicals for the IRIS survey. Please also identify the official who possessed the ultimate authority to approve OCHP’s final list of priority chemicals before it was submitted to ORD.
- What chemicals did OCHP submit on its final priority list for the IRIS survey? Was formaldehyde one of the chemicals that OCHP identified as a priority?

- If OCHP had submitted its final list of priority chemicals for the IRIS survey before December 4, 2018, would its priorities have been included in the IRIS Program Outlook for December 2018? Since OCHP submitted its final list of priority chemicals too late to be considered as a part of the 2018 IRIS survey, will its priorities now be considered immediate nominations for the IRIS program, or as nominations for the next IRIS priority survey? Were these responses considered in ORD's April 2019 Program Outlook?
- According to Dr. Orme-Zavaleta's testimony, the IRIS priority survey will now occur annually. Please elaborate on how ORD plans to conduct the IRIS survey in 2019, and whether any procedures will differ from the process that occurred in 2018. When will the 2019 survey formally begin, and how will ORD ensure that every program office in EPA possesses the opportunity to submit its priorities in time to be considered?
- How much money has been spent over the years in preparing the draft formaldehyde assessment that is reportedly ready to be released for review?

Questions for the Record to:

Jennifer Orme-Zavaleta, Ph.D.

Principal Deputy Assistant Administrator for Science and EPA Science Advisor  
Office of Research and Development  
U.S. Environmental Protection Agency

**Submitted by Representative Don Beyer (D-VA)**

- The GAO report issued on March 4, 2019, stated that it was unclear what the IRIS prioritization process was meant to achieve. What was the purpose of the prioritization process? Who was involved in the decision to undertake each step of the prioritization process, from May 2018 through April 2019?

Questions for the Record to:

Jennifer Orme-Zavaleta, Ph.D.

Principal Deputy Assistant Administrator for Science and EPA Science Advisor  
Office of Research and Development  
U.S. Environmental Protection Agency

**Submitted by Representative Bill Foster (D-IL)**

Willowbrook Illinois in my district is home to a sterilization facility that used Ethylene Oxide to sterilize medical equipment. This community has unfortunately become an example of the important role the EPA plays in defending public health and what can happen when these systems do not work as they should. In the case of Ethylene Oxide, there was a 15-year gap between the publication of scientific papers that indicated that EtO was a far more powerful carcinogen than had been previously assumed, and the corrective actions and eventual shutdown of the facility in my district that was venting apparently unsafe amounts of EtO into nearby neighborhoods. See Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide (CASRN 75-21-8) and references therein.

- What were the reasons for a 15-year delay in this type of situation?
- How much of that delay could have been avoided if the EPA and other relevant regulators had been adequately and fully staffed and funded during this period?
- What is the best estimate of the number of people that will eventually get cancer, nationwide, because of that delay?

# United States Senate

WASHINGTON, DC 20510

April 15, 2019

The Honorable Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency 1200  
Pennsylvania Avenue NW  
Washington, D.C. 20004

The Honorable Ricky "R.D." James  
Assistant Secretary of the Army (Civil  
Works)  
U.S. Department of the Army  
108 Army Pentagon  
Washington, D.C. 20310

RE: Revised Definition of Waters of the United States  
Docket ID: EPA-HQ-OW-2018-0149

Dear Acting Administrator Wheeler and Assistant Secretary James:

We write in strong opposition to the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers' (USACE) proposed *Revised Definition of "Waters of the United States"* (WOTUS) rule, published in the Federal Register on February 14, 2019.

For more than 45 years, the Clean Water Act has preserved, protected and restored our Nation's most important natural resource. The Act has advanced its goals to maintain and restore the physical, chemical, and biological integrity of the nation's waters. That is why admirers of the Clean Water Act appropriately labeled this landmark law as one of the most successful public health initiatives ever enacted. Today's progress is the result of hard work, strict enforcement and billions of dollars invested in remediation and infrastructure.

Continued success of the Clean Water Act requires a clear and scientifically sound definition for determining which bodies of water are protected, while protecting those waters that influence the physical, chemical, and biological integrity of the nation's waters—the goal at the heart of the Act. However, the proposed rule provides neither the certainty requested by our constituents, nor the clean and healthy waters upon which we all depend. Instead, this draft makes it nearly impossible for stakeholders and regulators to easily and consistently define perennial, intermittent and ephemeral streams. Far from fulfilling the President's promise to create a nationally consistent rule, this proposal injects ambiguity into the law at the expense of our decades of progress in cleaning up our waters.

Contrary to previous administrations, the 2018 WOTUS proposed rule eliminates all protections for ephemeral streams and many wetlands by ignoring former U.S. Supreme Court Justice Anthony Kennedy's central opinion in *Rapanos v. United States* that calls for a "significant nexus" test, which requires the regulating agency to determine if the wetland or waterway has a

chemical, biological or hydrological connection to downstream waters for establishing jurisdiction. While the proposed rule acknowledges that previous administrations and the courts have relied on Justice Kennedy's significant nexus test as an essential component of assessing water bodies' status under the Clean Water Act, it provides no sound justification for its shift away from this established significant nexus standard.

EPA's 2015 report titled, "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence," provides overwhelming scientific evidence that the significant nexus test is met for all tributary streams, regardless of flow, and all floodplain wetlands and open waters. These features significantly affect the physical, chemical, and biological condition the traditionally navigable waters and interstate waters with which they interact. As the Connectivity Report states:

The scientific literature unequivocally demonstrates that streams, individually or cumulatively, exert a strong influence on the integrity of downstream waters. All tributary streams, including perennial, intermittent, and ephemeral streams, are physically, chemically, and biologically connected to downstream rivers via channels and associated alluvial deposits where water and other materials are concentrated, mixed, transformed, and transported.

The literature clearly shows that wetlands and open waters in riparian areas and floodplains are physically, chemically, and biologically integrated with rivers via functions that improve downstream water quality, including the temporary storage and deposition of channel-forming sediment and woody debris, temporary storage of local ground water that supports baseflow in rivers, and transformation and transport of stored organic matter.

The Report likewise finds that non-floodplain wetlands, including so-called "isolated" wetlands, "provide numerous functions that benefit downstream water integrity. These functions include storage of floodwater; recharge of ground water that sustains river baseflow; retention and transformation of nutrients, metals, and pesticides; export of organisms or reproductive propagules to downstream waters; and habitats needed for stream species."

Eliminating protections for ephemeral streams and most wetlands abandons the significant nexus jurisdictional standard and undermines the goals of the Clean Water Act. Furthermore, the rule's novel and ambiguous definitions inject uncertainty by requiring regulators, landowners, and other stakeholders to conduct long-term monitoring programs in order to distinguish between streams that flow intermittently or ephemerally. The rule's approach ignores the significant nexus standard and the underlying connectivity science and deviates from longstanding agency practice. Consequently, adopting this proposal would guarantee confusion and will make the final rule legally vulnerable when it is inevitably challenged in the U.S. courts.

The Administration's analysis supporting the revised WOTUS rule also overestimates the potential for states to protect their waters and wetlands in the absence of Federal responsibility under the Clean Water Act. While some states can and do enforce stronger water pollution laws, many states lack the financial resources to sustain protective state pollution control programs



absent Federal support. Moreover, seven states are prohibited from establishing rules that exceed national minimum standards set by the Clean Water Act, and many more have at least some limitation on protecting waters beyond whatever Federal standards may exist. For these states, the Federal standards may become both the floor and the ceiling, and this proposed rule would create an enforcement gap for ephemeral streams and wetlands lacking a surface water connection to other protected waters. This troubling fiscal and regulatory landscape among states limits their inability to ramp up their clean water enforcement programs to compensate for the Federal Government's abrogation of its clean water obligations.

Failing to accurately characterize state circumstances, the *Economic Analysis for the Proposed Revised Definition of "Waters of the United States"* wrongly assumes that "states with existing [dredge-and-fill permit] programs, regardless of scope, are likely to have the capacity and interest to regulate waters that may no longer be jurisdictional following a change in the definition of 'Waters of the United States.'" Indeed, 30 states have no permitting programs for so-called "isolated," non-floodplain wetlands, and theoretically under the proposed WOTUS rule, would have no restrictions on dumping, draining, filling and other damaging wetlands activities. Furthermore, 33 states have no monitoring and assessment programs, so would have no means to know who is destroying wetlands and for what purpose. The Clean Water Act encourages states to be more protective than its minimum "federal floor" requirements, and yet the reality is states are going in the opposite direction—passing laws that make it difficult or impossible to go further than the Federal law. Clearly, many states want to protect their waters and wetlands less, not more. Even states with robust programs would need to expand their budgets and programmatic scope to prevent any significant lapse in protections for streams and wetlands. And states that invest in strong programs still cannot protect their waters from pollution originating in upstream states with less protective pollution control programs.

In response to questions for the record following EPA Administrator Wheeler's confirmation hearing before the Senate Environment and Public Works Committee, EPA and the USACE demonstrated they do not possess even remotely reliable estimates of the number and extent of waters that would be affected by this proposed rule.<sup>[1]</sup> What these unreliable data suggest is disturbing enough: estimates by USACE and EPA suggest at least 18 percent of streams and 51 percent of wetlands will not be protected under the new rule, as proposed.<sup>[2]</sup> Under the proposal, the Trump Administration asks commenters to suggest even more radical exclusions from Federal protection, potentially expanding the scale of impacted waters well beyond the base proposal.

At best, the agencies have been careless in proposing this rule. At worst, they have failed to meet their duties to inform the public, uphold the law, and protect the public and the environment. This proposed rule ignores Justice Kennedy's significant nexus standard, which courts have found to be an essential element of the jurisdictional standard. It ignores the

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<sup>[1]</sup> "Carper Releases Acting Administrator Andrew Wheeler's Responses to Questions for the Record." 29 Jan. 2019, [www.epw.senate.gov/public/index.cfm/press-releases-democratic?ID=A51C28E0-D79B-453E-AB57-29E485EEE5AA](http://www.epw.senate.gov/public/index.cfm/press-releases-democratic?ID=A51C28E0-D79B-453E-AB57-29E485EEE5AA).

<sup>[2]</sup> Wittenberg, Ariel. "Trump's WOTUS: Clear as Mud, Scientists Say." *E&E News*, 18 Feb. 2019, [www.eenews.net/stories/1060121251](http://www.eenews.net/stories/1060121251).

scientific connectivity between waterbodies upstream and downstream. And, it deviates from the longstanding jurisdictional legal reasoning and practices applied by previous administrations' WOTUS rules and policies. As a result, courts will likely find that this rule fails to abide by the Administrative Procedure Act and arbitrarily and capriciously shrinks the "waters of the United States" protected by the Clean Water Act, putting millions of wetland acres and stream miles at increased risk of pollution and destruction.

Americans deserve and expect safe drinking water. Americans expect their Government to protect their waterways. This proposed rule provides them none of that comfort or assurance. Instead, we fear—as many Americans do—that this proposed rule will compromise their health, their environment and their economy.

Protecting our waters and wetlands is not just a legal responsibility or scientific aspiration, it is a moral obligation. As a Nation, we should be advancing toward these responsibilities, aspirations and obligations, not retreating to appease the relative few. We urge you to withdraw this proposed rulemaking and reconsider how our Nation should define which waters deserve the Clean Water Act's strong protections.

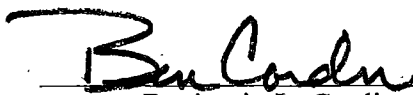
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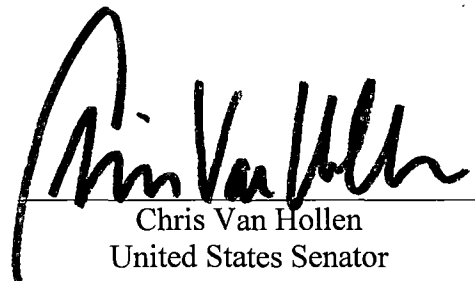
Tom Carper  
Ranking Member  
Committee on Environment and  
Public Works



Tammy Duckworth  
United States Senator



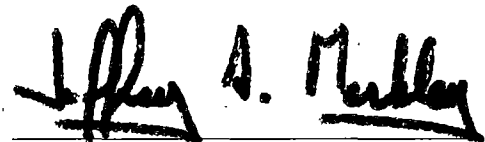
Benjamin L. Cardin  
United States Senator



Chris Van Hollen  
United States Senator



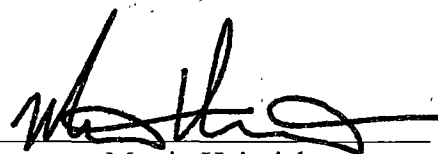
Richard Blumenthal  
United States Senator



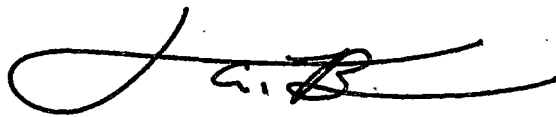
Jeffrey A. Merkley  
United States Senator



Sheldon Whitehouse  
United States Senator



Martin Heinrich  
United States Senator



Cory A. Booker  
United States Senator



Kirsten Gillibrand  
United States Senator



Kamala D. Harris  
United States Senator



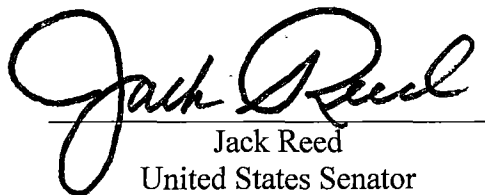
Robert P. Casey Jr.  
United States Senator



Edward J. Markey  
United States Senator



Mazie K. Hirono  
United States Senator



Jack Reed  
United States Senator



Bernard Sanders  
United States Senator

## United States Senate

WASHINGTON, DC 20510

April 30, 2019

Jerry Minor-Gordon  
U.S. Environmental Protection Agency  
Office of Brownfields and Land Revitalization  
1200 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Ms. Minor-Gordon:

I write regarding the application submitted by the City of Gastonia for funding through the Environmental Protection Agency's (EPA) Brownfields Community-wide Assessment Grant Program.

I understand the City of Gastonia has identified several brownfield properties near the NC-7 Corridor that pose a potential threat to the health and safety of nearby residents, and seeks funding to identify which of these properties can be revitalized and redeveloped for commercial and residential use. I am told that because these properties are located near downtown Gastonia and the NC-7 Corridor, revitalization efforts could result in job creation and overall increase in economic development in the area. As the City of Gastonia is located in my state and is home to many of my constituents, I am interested in this effort.

I hope you will give full and fair consideration to the grant application submitted by the City of Gastonia. Should you require additional information, please do not hesitate to contact Kelsey Byerly in my office at (202) 224-3154. Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read 'R Burr', with a stylized flourish extending from the end.

Richard Burr  
United States Senator

REPLY TO:

- ☐ 135 HART SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-1501  
(202) 224-3744  
www.grassley.senate.gov
- ☐ 721 FEDERAL BUILDING  
210 WALNUT STREET  
DES MOINES, IA 50309-2106  
(515) 288-1145
- ☐ 111 7TH AVENUE, SE, BOX 13  
SUITE 6800  
CEDAR RAPIDS, IA 52401-2101  
(319) 363-6832

## United States Senate

CHARLES E. GRASSLEY  
PRESIDENT PRO TEMPORE

WASHINGTON, DC 20510-1501

REPLY TO:

- ☐ 120 FEDERAL BUILDING  
320 6TH STREET  
SIOUX CITY, IA 51101-1244  
(712) 233-1860
- ☐ 210 WATERLOO BUILDING  
531 COMMERCIAL STREET  
WATERLOO, IA 50701-5497  
(319) 232-6657
- ☐ 201 WEST 2ND STREET  
SUITE 720  
DAVENPORT, IA 52801-1817  
(563) 322-4331
- ☐ 307 FEDERAL BUILDING  
8 SOUTH 6TH STREET  
COUNCIL BLUFFS, IA 51501-4204  
(712) 322-7103

The Honorable Andrew Wheeler  
Administrator, Environmental Protection Agency  
1200 Pennsylvania Ave NW  
Washington, DC 20460

RE: Docket ID: EPA-HQ-OAR-2018-0775

Dear Administrator Wheeler:

I applaud the EPA for working hard to finalize the E15 rulemaking and provide regulatory relief by June 1 for the summertime driving season. As the number one producer of corn, ethanol, biodiesel and cellulosic ethanol, the renewable fuels industry is an important sector of Iowa's economy. It generates nearly \$5 billion of Iowa's GDP, over \$2.4 billion in household incomes, and supports almost 47,000 jobs across Iowa. President Trump made a commitment to Iowa and other ethanol producing states, and I look forward to seeing this promise fulfilled.

Higher blends of ethanol are good for farmers and consumers. While previous EPA studies have shown that the price of RINs does not significantly affect consumer prices or the bottom line for refiners, artificially high RIN prices do not benefit anybody. I have been pressing EPA since the last administration about what can be done to address allegations of speculation and manipulation of RIN prices. I support reforms to the RIN system to make it more transparent and prevent manipulation. RIN prices are designed to reflect supply and demand, with higher RIN prices only occurring when insufficient ethanol is being blended, thus creating an incentive to blend more ethanol, which lowers RIN prices again. Any RIN reform proposals should help this mechanism work better, not undercut it.

As drafted, one of the RIN reform proposals would create a disincentive for retailers to blend ethanol by destroying the value of the D6 RIN. The fact that, as proposed, retailers who offer higher ethanol blends would have to sell 100 percent of their RINs every quarter while obligated parties would only have to meet 80 percent of their obligation every quarter is unfair and shifts the market in favor of buyers. This imbalanced quarterly compliance system will create price volatility at the end of each quarter and reduce the market power of parties selling RINs. Knowing that non-obligated parties have to sell or retire all of their D6 RINs, resulting in more RINs available for sale than obligated parties would need to purchase in a given quarter, provides an unfair advantage to those obligated parties who choose not to blend biofuels. As an alternative to blending ethanol, the obligated parties could wait until the value of the RIN is practically worthless to purchase their RINs. If RINs have no value, there will be less biofuels blended. The biofuels industry has already experienced demand destruction by the widespread small refinery exemptions that have been granted, which have undercut the statutory renewable volume requirements and resulted in a subsequent crash in RIN values. Allowing obligated parties to petition for a small refinery exemption after renewable volume obligations have been assigned and then delay their quarterly compliance requirement, would further undercut the market. Any RIN reforms should restore balance to the market, smooth demand for RINs, and level the playing field for retailers and obligated parties.

RVP parity between E15 and E10 is straight-forward with volatility no higher than what is already allowed for 10 percent ethanol blends. E15 contains 10 percent ethanol and a little more. EPA's interpretation that

Committee Assignments:

AGRICULTURE  
BUDGET  
JUDICIARY

INTERNATIONAL NARCOTICS  
CONTROL CAUCUS

CHAIRMAN,  
FINANCE



CAA section 211(h)(4) specifies a minimum of 10 percent ethanol to qualify for the 1-psi allowance but not to exceed 15 percent should remain in the final rule. Treating E15 like E10 will allow blenders to use the same gasoline blendstock and retailers to bring more E15 to the marketplace which equals more choice for consumers at the pump. All testing – emissions, materials compatibility, and driving – supports E15 as substantially similar (sub sim) to E10 certification fuel. I strongly urge EPA to adopt E15 as sub sim to E10 in the final rule.

Farmers, biofuels plants, and retailers have made great investments in blending infrastructure across Iowa and USDA spent \$100 million in its Biofuels Infrastructure Partnership program to match funds. Blender pumps have been a popular investment to bring E15 and E85 to consumers. I'm concerned about the impact of EPA's proposal related to the use of natural gasoline on retailers with blender pumps that source their E85 directly from ethanol plants, which generally use natural gasoline as a blendstock. The President's directive to EPA was to make E15 legal to sell year-round but the rule, as drafted, would make it harder for some existing retailers to continue selling E15 at all. EPA should adopt previously proposed solutions to allow E15 made from E85 containing natural gasoline in blender pumps to be in compliance and meet the RVP standards. Reducing the availability of higher ethanol blends already sold by retailers and punishing the early adopters is a step backwards.

EPA has long imposed regulatory burdens that have prevented innovation in the fuel market and limited options for consumers across the country. The Renewable Fuels Standard helps to diversify the nation's fuel supply, reduce emissions, increase energy security, lessen U.S. dependence on foreign oil, and create jobs in rural America. Iowa is the number one corn producing state in the nation and the number one ethanol producing state. I urge you to adjust the RIN market changes so that they are fair for all parties and do not undercut the RFS and to reconsider the proposed barriers that prevent retailers from offering E15 at the pump. President Trump made a commitment to allow for year-round sales of E15 and I commend EPA for working to keep his promise by finalizing this rule in time for summertime driving season. Thank you for the opportunity to comment on this important rulemaking process.

Sincerely,

  
Charles E. Grassley  
United States Senator

JAMES M. INHOFE  
OKLAHOMA

WASHINGTON OFFICE  
205 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-3603  
(202) 224-4721

TULSA OFFICE  
1924 SOUTH UTICA, SUITE 530  
TULSA, OK 74104  
(918) 748-5111

OKLAHOMA CITY OFFICE  
3817 NORTHWEST EXPRESSWAY, SUITE 780  
OKLAHOMA CITY, OK 73112  
(405) 208-8841

# United States Senate

WASHINGTON, DC 20510-3603

COMMITTEES:  
ARMED SERVICES  
CHAIRMAN

ENVIRONMENT AND  
PUBLIC WORKS

SMALL BUSINESS AND  
ENTREPRENEURSHIP

INTELLIGENCE  
EX OFFICIO

April 10, 2019

Honorable Andrew Wheeler  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Wheeler:

I am writing to follow up on two prior letters requesting that the Environmental Protection Agency (EPA) provide parity between natural gas vehicles (NGVs) and electric vehicles (EVs) in the soon to be finalized rules relating to fuel economy and greenhouse gas (GHG) emission standards for model year 2021-2026 passenger cars and light-duty trucks (the SAFE rule). Prior to the finalization of the rule, it is important to point to specific changes needed to ensure a more level playing field under EPA regulations that would allow the marketplace to better and more freely select technologies going forward.

In addition to addressing issues related to eligibility-based design restrictions imposed on dual-fueled NGVs mentioned in my previous letters, I believe strongly that parity cannot be achieved successfully without reinstating the 0.15 GHG multiplier in compliance calculations for NGVs that was in place for model years 2012-2015. These overly burdensome design requirements and the elimination of the 0.15 GHG multiplier by the previous administration were policy decisions that put the heavy thumb of the federal government on the scale for one technology over another and needs to be remedied in the final rule to begin to restore the appropriate regulatory equilibrium.

To be clear, even if all current incentives for EVs are eliminated, EVs still have a compliance advantage going forward. This is because the policy and technical approaches underlying the GHG regulations embedded preferential treatment for the previous administration's favored technology. I respectfully ask you not to give NGVs preferential treatment, but to level the playing field to allow the marketplace to determine the future of NGV adoption and not the federal bureaucracy. To achieve this parity, reinstating the 0.15 GHG multiplier is essential.

In reviewing the docket, I found ample justification in the comments to support these important changes to your Agency's regulations and request these policies be revised to ensure better consumer choice and provide automakers with a key alternative compliance opportunity.

Sincerely,

A handwritten signature in blue ink, appearing to read "James M. Inhofe", written in a cursive style.

James M. Inhofe  
United States Senate

FRANCIS ROONEY  
19TH DISTRICT, FLORIDA

FRANCISROONEY.HOUSE.GOV

COMMITTEE ON FOREIGN AFFAIRS

COMMITTEE ON  
EDUCATION AND THE WORKFORCE

JOINT ECONOMIC COMMITTEE

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0919**

120 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-2536

3299 TAMiami TRAIL EAST, SUITE 105  
NAPLES, FL 34112  
(239) 252-6225

1039 SE 9TH AVENUE, SUITE 308  
CAPE CORAL, FL 33990  
(239) 599-6033

April 18, 2019

The Honorable Andrew Wheeler  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20004

Dear Administrator Wheeler,

I write to urge you to withdraw the Environmental Protection Agency's (EPA) December 27, 2018 proposal that undermines the Mercury and Air Toxics Standards (MATS) rule that is already implemented by coal burning plants and utility companies across the nation. Undermining the current MATS rule could jeopardize recent gains in health benefits, especially for our most vulnerable, and creates unnecessary changes in regulations. Additionally, undermining the rule could increase mercury contamination of our food supply, namely fish stock.

The EPA's refusal to monetize indirect benefits and the devaluation of direct benefits in a benefit-cost analysis under the redetermination of "appropriate and necessary" in Clean Air Act section 112(n)(1)(A) is short-sighted and flawed. Such action is likely to erode the rule and roll back years of progress without significant foreseeable benefit to either the utility industry or the general public.

The MATS rule has been implemented by the utility industry nationwide, lowering smog, soot and toxic air pollution dramatically and ushering in cleaner energy. The EPA should not disrupt the nation's power sector with regulatory uncertainty by undermining the commitments they have made and the costs they have incurred to comply with the current MATS rule.

Further, the implementation of this rule protects the health of many of the most vulnerable members of our community. As a pro-life Member of Congress I bring this issue before you for careful consideration as the negative health impacts of mercury exposure, especially to pregnant women, babies and young children are well documented and truly detrimental.

Finally, we must look at the impact mercury exposure has on our food supply. In my state of Florida, methylmercury contamination in fish is well documented. The Florida Department of Health publishes a monthly fish consumption guide. The most recent guide continues to list several freshwater and saltwater fish across the state either as unsafe to eat or safe only when

consumed in extremely limited amounts. Mercury is a long-lasting contaminant that takes years to rid from the ecosystem and to meet consumption safety guidelines. For both economic and health reasons, any threat to the MATS rule may be detrimental. We should not jeopardize the progress that has been made in making our air, water and fish safer.

For all these reasons, I urge you to withdraw this harmful proposal and uphold the EPA's prior determination that it remains "appropriate and necessary" to reduce hazardous air pollution from coal- and oil-fired power plants using the effective tools provided by Congress in section 112 of the Clean Air Act.

Sincerely,

A handwritten signature in blue ink that reads "Francis Rooney". The signature is written in a cursive, flowing style. The first name "Francis" is written in a slightly larger, more prominent script than the last name "Rooney".

Francis Rooney  
Member of Congress



SHERROD BROWN

OHIO

COMMITTEES:

AGRICULTURE, NUTRITION,  
AND FORESTRY

BANKING, HOUSING,  
AND URBAN AFFAIRS

FINANCE

VETERANS' AFFAIRS

# United States Senate

WASHINGTON, DC 20510 - 3505

April 25, 2019

Mr. Troy Lyons  
Associate Administrator for Congressional and Intergovernmental Relations  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, Room 3426 WJC North  
Washington, DC 20460

Dear Mr. Lyons:

Enclosed please find a Request for Assistance from [REDACTED] regarding a [REDACTED]  
[REDACTED] is concerned that this  
[REDACTED]

Please review this matter and provide me with your comments and recommendations for any action that can be taken to address this situation. Your response should be directed to Bradley Deane at my Cleveland office at 801 West Superior Avenue, Suite 1400, Cleveland, Ohio 44113 (Phone: 216-522-7272; Fax: 216-522-2239; Bradley\_Deane@brown.senate.gov).

Thank you for your attention to this request.

Sincerely,



Sherrod Brown  
United States Senator

SB:jbd

Enclosures

cc: [REDACTED]



# Request for Assistance

SENATOR SHERROD BROWN

NAME [REDACTED] HOME PHONE [REDACTED]

ADDRESS [REDACTED] CELL PHONE [REDACTED]

CITY Cincinnati OH [REDACTED] WORK PHONE [REDACTED]

STATE OH ZIP [REDACTED] COUNTY Clermont EMAIL [REDACTED]

SS# [REDACTED] Date of Birth [REDACTED]

Medicare# \_\_\_\_\_ CLAIM#/CASE# \_\_\_\_\_  
(Provide these numbers only if necessary to investigate your case.)

Dear Senator Brown:

I am seeking your assistance in a personal matter involving the federal government. I hereby authorize your office to request, on my behalf, that the appropriate federal agency or agencies investigate the following:  
(Use reverse side or additional paper, as needed.)

[REDACTED]

I further authorize, under the provisions of the Privacy Act of 1974, that the agency or agencies involved have my permission to disclose information from their records about my case or claim to the office of Senator Sherrod Brown.

SIGNATURE [REDACTED]

DATE 22 April 2019

Please return this completed form and any other relevant information to:

Senator Sherrod Brown, 801 West Superior Avenue, Suite 1400, Cleveland, Ohio 44113-1829  
Fax: 216-522-2239 Email: [casework@brown.senate.gov](mailto:casework@brown.senate.gov)

If you have questions call: Phone: 216-522-7272 Toll-Free: 888-896-6446 (Press 1)



Chapter 279, CINCINNATI, OH; EDISON, NJ; & ERLANGER, KY

10 APRIL 2019

CINCINNATI, OH \_\_\_\_\_  
TELEPHONE

HONORABLE SHERROD BROWN  
UNITED STATES SENATE  
425 WALNUT STREET, SUITE 2310  
CINCINNATI, OH 45202

Dear Senator Brown:







Best regards.

1 // //

I have mailed a more  
detailed packet of  
information to the  
Cincinnati office.

**Congress of the United States**  
**Washington, DC 20515**

April 29, 2019

The Honorable Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Docket ID No. EPA-HQ-OAR-2018-0775

Administrator Wheeler:

We write today to express concern regarding the Environmental Protection Agency's (EPA) proposed rulemaking to allow fuel containing 15 percent ethanol (E15) to be sold year-round. We believe this is a misguided approach outside the bounds of statutory law that will negatively impact consumers, the environment, and non-road engines and small engine equipment. As such, we encourage the EPA to rescind the proposal.

First, we question the legality of the proposal under the Clean Air Act. The EPA has previously—and correctly, per the clear language 211(h) of the Clean Air Act—determined that it lacks the legal authority to grant a Reid Vapor Pressure (RVP) waiver for gasoline ethanol blends beyond 10 percent ethanol (E10), noting the “significant potential” for higher blends to increase emissions and risk noncompliance with air quality standards.<sup>1</sup> The Agency reinforced this determination eight months later.<sup>2</sup> The decision to reverse this conclusion does not appear to be supported by scientific or legal analysis.

Second, expanding the use of E15 will worsen environmental outcomes. As the EPA's Biofuel and the Environment Second Triennial Report noted,<sup>3</sup> the RFS is contributing to an array of negative environmental impacts, including the loss of wildlife habitat, increased water pollution, decreased soil quality, and stress on scarce water resources. By allowing the further expansion of E15, the EPA risks exacerbating this environmental damage.

Third, this proposal increases the potential for consumer misfuelling and engine damage. The EPA has not approved the use of E15 (or other higher ethanol blends) for use in outdoor power equipment, marine engines, and off-road vehicles.<sup>4</sup> Misfueling in non-road and small engines results in equipment malfunctions, increases in emissions, and ultimately equipment failure. Because damage caused by misfuelling is not covered by a manufacturers' warranty, consumers are left to repair or replace the equipment when it fails, costing them hundreds if not thousands of dollars. With the increased availability of E15 in the marketplace through year-round sales and the final rule expected to go into effect at the start of the busy summer season, when consumers are spending more time using their recreational boats, outdoor power equipment like lawnmowers, and off-roading, we expect this problem will only be made worse.

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<sup>1</sup> 75 Fed. Reg. 68094, 68096 (November 4, 2010).

<sup>2</sup> 76 Fed. Reg. 44406, 44434 (July 25, 2011).

<sup>3</sup> [https://cfpub.epa.gov/si/si\\_public\\_record\\_Report.cfm?Lab=IO&dirEntryId=341491](https://cfpub.epa.gov/si/si_public_record_Report.cfm?Lab=IO&dirEntryId=341491)

<sup>4</sup> 75 Fed. Reg. 68,094 (Nov. 4, 2010)

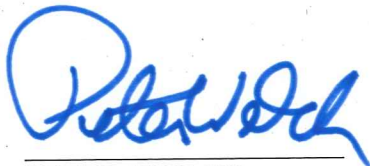
While the agency has made an effort to educate the public about the limitations of E15 through their Misfueling Mitigation Program (MMP), a 2018 Harris Poll conducted on behalf of the Outdoor Power Equipment Institute (OPEI) found that 11% of those surveyed reported using blends of E15 or higher in their equipment. This is an increase of 4% from those surveyed in 2015. In fact, only 20% of consumers say they notice ethanol content at the pump, a decrease of 5% from 2017. Simply put, the current program is not working, and yet the agency's proposal does nothing to address the added risk posed to consumers from increased uptake of E15 sale thanks to year-round eligibility.

Moreover, while we remain opposed to the year-round sale of E15 that does not meet local summer RVP regulations, we believe at the very least any final rule should take steps to protect the consumer from misfueling through a more comprehensive mitigation plan. A robust MMP should be established to include improved on-pump labeling, keypad acknowledgement of proper fuel selection, and potential physical differentiation of high-ethanol pumps (e.g. color, size, nozzle shape).

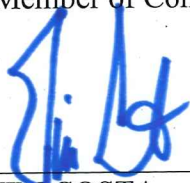
Allowing the year-round sale of E15 is a contentious proposal and one that will negatively impact consumers, the environment, and small engine users. Given these outcomes and the statutory constraints on EPA's authority, it must be Congress, not the executive branch, that decides on this policy change.

Thank you for your attention to this matter.

Sincerely,



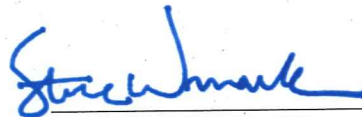
PETER WELCH  
Member of Congress



JIM COSTA  
Member of Congress



BILL FLORES  
Member of Congress



STEVE WOMACK  
Member of Congress

United States Senate  
WASHINGTON, DC 20510

April 30, 2019

The Honorable Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency  
Office of the Administrator 1101A  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Dear Administrator Wheeler:

We strongly urge you to protect U.S. consumers and account for the ethanol blend wall when setting annual target volumes under the Renewable Fuel Standard's (RFS) reset requirements. Over a decade ago, the U.S. Energy Information Administration (EIA) projected 2020 gasoline demand would exceed more than 170 billion gallons, thus the 15 billion gallon conventional fuel mandate represented less than 10 percent of the expected gasoline demand. More than a decade since the RFS was passed into law, changes in consumer behavior and use of transportation fuels result in EIA now projecting gasoline demand for 2020 to be closer to 142 billion gallons, decreasing further to 137 billion gallons in 2022. As a result of this stark change in projected demand, we encourage the Environmental Protection Agency (EPA) to acknowledge this market reality when resetting the statutory targets such that the contribution of conventional biofuel is set below an implied 10 percent level for 2020, or 14.2 billion gallons.

As you know, under the statutory provisions that govern the RFS, the EPA is required to "reset" the annual applicable volumes if EPA's waiver (i.e. lowering) of those volumes in past years meets certain specified thresholds. Because those thresholds have been met, EPA has a non-discretionary obligation to reset the annual applicable volumes. Congress' clear intent in enacting this provision of the RFS was to allow EPA to adjust the annual applicable volumes to match market realities.

EPA has acknowledged in multiple rulemakings that the ethanol blend wall—the maximum level of ethanol that can be blended into the U.S. fuel supply—is one of the most difficult market realities facing the RFS. The blend wall level is essentially gasoline blended with ten percent ethanol by volume. As the EIA found in 2016, "With nearly all U.S. gasoline now being sold as E10, the only way to increase ethanol use in the motor vehicle fleet is to adopt fuel blends containing a higher volume of ethanol, such as E15 and E85. However, not all gasoline-powered vehicles can use these fuels." EIA concluded that these higher blends "remain very limited because of a variety of economic, environmental, and distribution system challenges." The blend wall is precisely the sort of market reality that EPA's reset obligation was designed to take into consideration.

Based on market intelligence, we understand that demand for gasoline without ethanol (E0) remained strong in 2018 and early 2019 in several key domestic markets. According to one leading petroleum transportation, storage and distribution company, demand for 87-octane gasoline, without ethanol (E0), from their terminals in 2018 remains consistent with demand in 2017. The company is reporting higher loadings of E0 in January and February 2019 at its terminal in Oklahoma City, Oklahoma, when compared to the same period a year ago.



The legislative purpose of the reset was to recognize such market realities and provide the needed flexibility to shape volume obligations to fit actual conditions and protect U.S. consumers. Failure to set the reset volume below the blend wall will violate the Congressional intent of the statute and harm our nation's consumers and refiners.

We urge you to use the reset authority under the RFS for program for the purpose for which it was intended and reset the statutory targets such that the implied contribution of conventional biofuel is below 14.2 billion gallons for the 2020 compliance year.

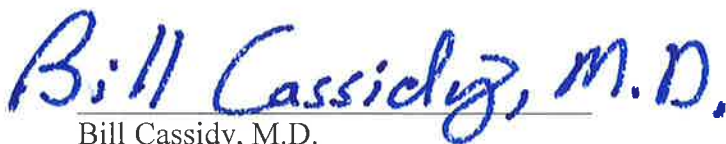
Sincerely,




James M. Inhofe  
United States Senator



Shelley Moore Capito  
United States Senator



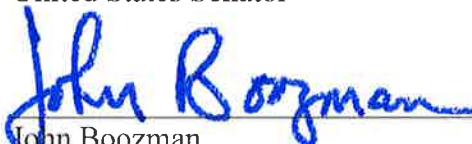
Bill Cassidy, M.D.  
United States Senator



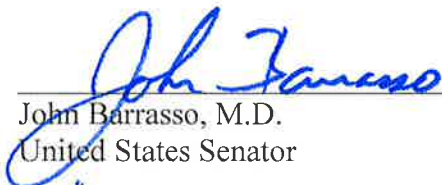
Tom Cotton  
United States Senator



Susan M. Collins  
United States Senator



John Boozman  
United States Senator



John Barrasso, M.D.  
United States Senator



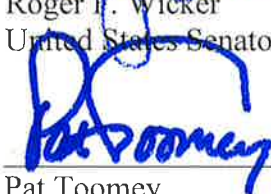
James Lankford  
United States Senator



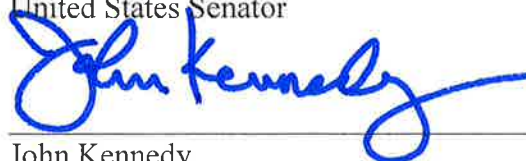
Roger F. Wicker  
United States Senator



Michael B. Enzi  
United States Senator



Pat Toomey  
United States Senator



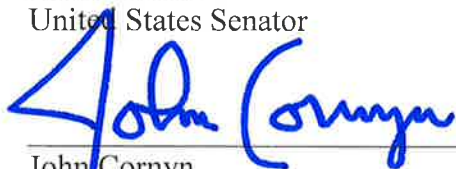
John Kennedy  
United States Senator



Steve Daines  
United States Senator



Cindy Hyde-Smith  
United States Senator



John Cornyn  
United States Senator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 01 2019

OFFICE OF CONGRESSIONAL  
AND INTERGOVERNMENTAL RELATIONS

The Honorable Betty McCollum  
Chair  
Subcommittee on Interior, Environment,  
and Related Agencies  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chair McCollum:

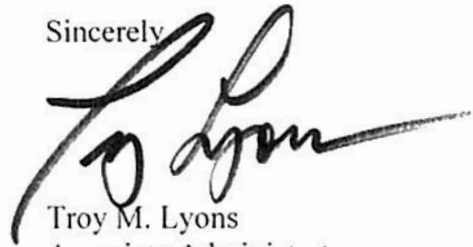
On behalf of the U.S. Environmental Protection Agency, I am responding to your February 25, 2019 letter regarding the EPA's review of a National Pollution Discharge Elimination System (NPDES) permit issued by the Minnesota Pollution Control Agency for PolyMet Mining Inc.'s Northmet mining facility in St. Louis County, Minnesota. You specifically requested that the EPA make available to the public a copy of any written comments or concerns prepared by EPA staff regarding the Northmet mine permits, including any annotation to indicate which concerns were shared verbally.

It has long been the practice for EPA staff to have verbal conversations with their regulatory partners, tribal or state, as they work through complex permitting decisions. Region 5 Administrator Cathy Stepp has been specifically encouraging EPA staff to work more collaboratively and speak "face-to-face" with state officials to ensure prompt and accurate exchanges of information. This type of communication is essential to promoting better strong between the Agency and the state and tribal entities.

At this time, the EPA is currently reviewing our records as they are potentially responsive to several Freedom of Information Act (FOIA) requests for records pertaining to this permit dating back to mid-2017. Any records found to be releasable will be made available to the public upon the completion of this review period. We will be in touch with you to provide updates as we work to complete this review.

If you have further questions, you may contact me, or your staff may contact Travis Voyles in the EPA's Office of Congressional and Intergovernmental Relations at [Voyles.Travis@epa.gov](mailto:Voyles.Travis@epa.gov) or (202) 564-6399.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Lyons", with a long horizontal flourish extending to the right.

Troy M. Lyons  
Associate Administrator

cc: The Honorable David Joyce, Ranking Member



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 05 2019

OFFICE OF CONGRESSIONAL  
AND INTERGOVERNMENTAL RELATIONS

The Honorable Lizzie Fletcher  
Chair  
Subcommittee on the Environment  
Committee on Science, Space, and Technology  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Madam Chair:

On behalf of the U.S. Environmental Protection Agency, I am writing in response to your letter dated March 6, 2019, to Administrator Andrew Wheeler, in which you sought information related to the EPA's response to Hurricane Harvey.

During Hurricane Harvey, the EPA and the State of Texas, through the Texas Commission on Environmental Quality (TCEQ), were working together, along with other local, state, and federal authorities and emergency responders to address the potential human health and environmental impacts of Hurricane Harvey and its effects. As part of this coordination, a Unified Command was established between the EPA, the TCEQ, the Texas General Land Office (GLO), and the U.S. Coast Guard (USCG) to oversee all emergency response efforts. This Unified Command was supported by three operational branches in Corpus Christi, Houston, and Port Arthur. In addition to the EPA, the TCEQ, the GLO, and the USCG, multiple agencies and groups were supporting each of the operational branches, including the Texas National Guard, 6th Civil Support Team; the Arkansas National Guard, 61st Civil Support Team; the Oklahoma Task Force 1; and the Texas State Guard Engineering Group.

In advance of Hurricane Harvey's landfall, breathing zone air quality monitors managed by TCEQ were shut down for their protection. In order to provide the public with information regarding air quality, TCEQ asked the EPA for air quality support until these permanent breathing zone air quality monitors could be restored. The EPA responded to the request by making the Airborne Spectral Photometric Environment Collection Technology (ASPECT) system and the Trace Analytic and Gas Analysis (TAGA) system available.

ASPECT is the nation's only domestic 24/7/365 emergency response airborne platform specifically designed to detect, characterize, and monitor chemical and radiological releases. ASPECT is a fixed-wing aircraft that provides real-time chemical and radiological detection, infrared sensing, and high-resolution photographic imagery to first responders and decision-

makers on the ground as they make crucial decisions regarding the health and safety of the public. ASPECT is capable of detecting over 500 chemical compounds. This known, readily available, and well-proven technology has been exercised and deployed during major emergencies to support our federal, state, tribal, and local government response partners. ASPECT serves as an initial screening tool to help the field responders make more informed decisions based on actual measurements. ASPECT does not fly through the hazard or take air samples; instead, it measures concentrations of contaminants in the column of air between the ground and the airplane.

By the end of the 13-day deployment, ASPECT flew 28 missions, providing over 100 hours of chemical screening, thermal imagery, and aerial imagery data from 134 Risk Management Plan facilities, 456 drinking water plants, and 105 waste water facilities impacted by Hurricane Harvey. This information was shared with the federal, state, and local governments involved in the hurricane response as part of a rapid needs assessment to aid in identifying priority target areas that needed additional attention. It also allowed them to provide the public with preliminary information about the integrity of facilities.

The EPA's TAGA system was also used to screen specific areas for target contaminants affiliated with the aftermath of Hurricane Harvey. TAGA is a self-contained mobile laboratory capable of real-time sampling and analysis of outdoor air quality in the breathing zone. If the TAGA monitoring values exceeded the TCEQ Air Monitoring Comparison Values Short Term benchmarks, hand-held monitors were employed to further isolate the area of contaminant exceedances.

Both TCEQ and EPA investigators spent numerous hours, both day and night, monitoring breathing zone air quality in neighborhoods and industrial sites with hand-held instruments, such as optical gas imaging cameras, toxic vapor analyzers, summa canisters, and portable multi-gas monitors. The use of these tools allowed for the most effective source identification for drifting volatile organic compound (VOC) plumes so that swift action could be taken to address the cause of these emissions. TCEQ investigators in the Houston, Corpus Christi, and Beaumont regional offices routinely conducted breathing zone air monitoring near industrial sites and adjacent communities. Reconnaissance monitoring was conducted in these areas with increased frequency to identify potential emission sources. In furthering efforts to monitor storm impacted areas and address emission sources, the TCEQ conducted aerial surveys in the Houston and Beaumont areas using a helicopter equipped with an optical gas imaging camera that can image VOCs and other hydrocarbons invisible to the eye.

Additionally, EPA air quality technical specialists were deployed to Houston and conducted total VOC breathing zone monitoring in the Houston Ship Channel area. These specialists used a photoionization detector and a forward-looking infrared radiometer camera to monitor areas downwind of four refining and terminal facilities. Where the team reported VOC readings of significance, additional TAGA monitoring was recommended in the area. If TAGA identified elevated levels of VOCs of benzene, personnel conducted site specific evaluations.

The EPA recognizes the importance of the Committee's need to obtain information necessary to perform its legitimate oversight functions and is committed to continuing to work with your staff

on how best to accommodate the Committee's interests. If you have further questions, you may contact me, or your staff may contact Travis Voyles in the EPA's Office of Congressional and Intergovernmental Relations at [Voyles.Travis@epa.gov](mailto:Voyles.Travis@epa.gov) or (202) 564-6399.

Sincerely,

A handwritten signature in black ink, appearing to read 'Troy M. Lyons', with a long horizontal flourish extending to the right.

Troy M. Lyons  
Associate Administrator

cc: The Honorable Roger Marshall, Ranking Member





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 05 2019

OFFICE OF CONGRESSIONAL  
AND INTERGOVERNMENTAL RELATIONS

The Honorable Eddie Bernice Johnson  
Chairwoman  
Committee on Science, Space, and Technology  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Madam Chairwoman:

On behalf of the U.S. Environmental Protection Agency, I am writing in response to your letter dated March 6, 2019, to Administrator Andrew Wheeler, in which you sought information related to the EPA's response to Hurricane Harvey.

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By the end of the 13-day deployment, ASPECT flew 28 missions, providing over 100 hours of chemical screening, thermal imagery, and aerial imagery data from 134 Risk Management Plan facilities, 456 drinking water plants, and 105 waste water facilities impacted by Hurricane Harvey. This information was shared with the federal, state, and local governments involved in the hurricane response as part of a rapid needs assessment to aid in identifying priority target areas that needed additional attention. It also allowed them to provide the public with preliminary information about the integrity of facilities.

The EPA's TAGA system was also used to screen specific areas for target contaminants affiliated with the aftermath of Hurricane Harvey. TAGA is a self-contained mobile laboratory capable of real-time sampling and analysis of outdoor air quality in the breathing zone. If the TAGA monitoring values exceeded the TCEQ Air Monitoring Comparison Values Short Term benchmarks, hand-held monitors were employed to further isolate the area of contaminant exceedances.

Both TCEQ and EPA investigators spent numerous hours, both day and night, monitoring breathing zone air quality in neighborhoods and industrial sites with hand-held instruments, such as optical gas imaging cameras, toxic vapor analyzers, summa canisters, and portable multi gas monitors. The use of these tools allowed for the most effective source identification for drifting volatile organic compound (VOC) plumes so that swift action could be taken to address the cause of these emissions. TCEQ investigators in the Houston, Corpus Christi, and Beaumont regional offices routinely conducted breathing zone air monitoring near industrial sites and adjacent communities. Reconnaissance monitoring was conducted in these areas with increased frequency to identify potential emission sources. In furthering efforts to monitor storm impacted areas and address emission sources, the TCEQ conducted aerial surveys in the Houston and Beaumont areas using a helicopter equipped with an optical gas imaging camera that can image VOCs and other hydrocarbons invisible to the eye.

Additionally, EPA air quality technical specialists were deployed to Houston and conducted total VOC breathing zone monitoring in the Houston Ship Channel area. These specialists used a photoionization detector and a forward-looking infrared radiometer camera to monitor areas downwind of four refining and terminal facilities. Where the team reported VOC readings of significance, additional TAGA monitoring was recommended in the area. If TAGA identified elevated levels of VOCs of benzene, personnel conducted site specific evaluations.

The EPA recognizes the importance of the Committee's need to obtain information necessary to perform its legitimate oversight functions and is committed to continuing to work with your staff on how best to accommodate the Committee's interests. If you have further questions, you may

contact me, or your staff may contact Travis Voyles in the EPA's Office of Congressional and Intergovernmental Relations at [Voyles.Travis@epa.gov](mailto:Voyles.Travis@epa.gov) or (202) 564-6399.

Sincerely,



Troy M. Lyons  
Associate Administrator

cc: The Honorable Frank Lucas, Ranking Member



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 05 2019

OFFICE OF CONGRESSIONAL  
AND INTERGOVERNMENTAL RELATIONS

The Honorable Mikie Sherrill  
Chairwoman  
Subcommittee on Investigations and Oversight  
Committee on Science, Space, and Technology  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Madam Chairwoman:

On behalf of the U.S. Environmental Protection Agency, I am writing in response to your letter dated March 6, 2019, to Administrator Andrew Wheeler, in which you sought information related to the EPA's response to Hurricane Harvey.

During Hurricane Harvey, the EPA and the State of Texas, through the Texas Commission on Environmental Quality (TCEQ), were working together, along with other local, state, and federal authorities and emergency responders to address the potential human health and environmental impacts of Hurricane Harvey and its effects. As part of this coordination, a Unified Command was established between the EPA, the TCEQ, the Texas General Land Office (GLO), and the U.S. Coast Guard (USCG) to oversee all emergency response efforts. This Unified Command was supported by three operational branches in Corpus Christi, Houston, and Port Arthur. In addition to the EPA, the TCEQ, the GLO, and the USCG, multiple agencies and groups were supporting each of the operational branches, including the Texas National Guard, 6th Civil Support Team; the Arkansas National Guard, 61st Civil Support Team; the Oklahoma Task Force 1; and the Texas State Guard Engineering Group.

In advance of Hurricane Harvey's landfall, breathing zone air quality monitors managed by TCEQ were shut down for their protection. In order to provide the public with information regarding air quality, TCEQ asked the EPA for air quality support until these permanent breathing zone air quality monitors could be restored. The EPA responded to the request by making the Airborne Spectral Photometric Environment Collection Technology (ASPECT) system and the Trace Analytic and Gas Analysis (TAGA) system available.

ASPECT is the nation's only domestic 24/7/365 emergency response airborne platform specifically designed to detect, characterize, and monitor chemical and radiological releases. ASPECT is a fixed-wing aircraft that provides real-time chemical and radiological detection, infrared sensing, and high-resolution photographic imagery to first responders and decision-



makers on the ground as they make crucial decisions regarding the health and safety of the public. ASPECT is capable of detecting over 500 chemical compounds. This known, readily-available, and well-proven technology has been exercised and deployed during major emergencies to support our federal, state, tribal, and local government response partners. ASPECT serves as an initial screening tool to help the field responders make more informed decisions based on actual measurements. ASPECT does not fly through the hazard or take air samples; instead, it measures concentrations of contaminants in the column of air between the ground and the airplane.

By the end of the 13-day deployment, ASPECT flew 28 missions, providing over 100 hours of chemical screening, thermal imagery, and aerial imagery data from 134 Risk Management Plan facilities, 456 drinking water plants, and 105 waste water facilities impacted by Hurricane Harvey. This information was shared with the federal, state, and local governments involved in the hurricane response as part of a rapid needs assessment to aid in identifying priority target areas that needed additional attention. It also allowed them to provide the public with preliminary information about the integrity of facilities.

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The EPA recognizes the importance of the Committee's need to obtain information necessary to perform its legitimate oversight functions and is committed to continuing to work with your staff



on how best to accommodate the Committee's interests. If you have further questions, you may contact me, or your staff may contact Travis Voyles in the EPA's Office of Congressional and Intergovernmental Relations at [Voyles.Travis@epa.gov](mailto:Voyles.Travis@epa.gov) or (202) 564 6399.

Sincerely,

A handwritten signature in black ink, appearing to read 'Troy Lyons', with a long horizontal flourish extending to the right.

Troy M. Lyons  
Associate Administrator

cc: The Honorable Ralph Norman, Ranking Member

# Congress of the United States

Washington, DC 20510

April 12, 2019

Administrator Andrew Wheeler  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Wheeler:

We are writing regarding the Environmental Protection Agency (EPA) proposal, the Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces to amend the 2015 New Source Performance Standards (NSPS). We encourage you to include a one-year "sell-through" for wood stoves and pellet stoves in your proposal.

Allowing this modest sell-through in the NSPS proposal will provide regulatory certainty to market participants, especially as retailers make purchasing decisions for their inventories over the coming year.

Let us begin by highlighting our support for reducing particulate matter emissions from residential wood heaters. These standards are of significant interest to our Maine constituents who share the EPA's concern for improvement in air quality and human health. Some woodstoves on the market today exceed the current EPA standard for "Step 1" stoves on emissions and these stoves will continue to deliver on emissions reductions.

Without a reasonable sell-through modification, wood and pellet stoves that are not "Step 2" compliant with current NSPS will not be able to be sold after May 15, 2020. There are a limited number of "Step 2" compliant wood and pellet stoves currently available on the market. This will result in consumers facing higher prices and a lack of choice. As such, consumers may opt to keep their existing appliances instead of upgrading to a more efficient wood or pellet stove.

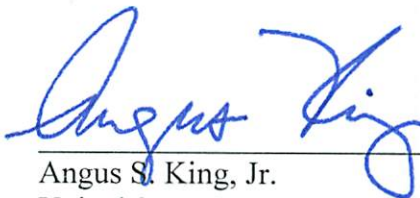
Due to the nature of the wood and pellet stove market, stoves may remain in inventory for a long time. This modest sell-through will allow retailers the certainty needed making decisions for inventories and allow retailers to sell the existing wood heating devices in their inventory. A one-year sell through provision will support economic and practical realities by allowing retailers and distributors who have "Step 1" wood and pellet stoves to sell stoves that are currently in their possession.

Thank you for the opportunity to comment on the proposed rule.

Sincerely,



Susan M. Collins  
United States Senator



Angus S. King, Jr.  
United States Senator



Chellie Pingree  
Member of Congress



Jared Golden  
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 01 2019

OFFICE OF CONGRESSIONAL  
AND INTERGOVERNMENTAL RELATIONS

The Honorable Betty McCollum  
Chair  
Subcommittee on Interior, Environment,  
and Related Agencies  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chair McCollum:

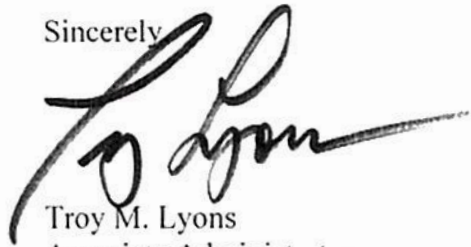
On behalf of the U.S. Environmental Protection Agency, I am responding to your February 25, 2019 letter regarding the EPA's review of a National Pollution Discharge Elimination System (NPDES) permit issued by the Minnesota Pollution Control Agency for PolyMet Mining Inc.'s Northmet mining facility in St. Louis County, Minnesota. You specifically requested that the EPA make available to the public a copy of any written comments or concerns prepared by EPA staff regarding the Northmet mine permits, including any annotation to indicate which concerns were shared verbally.

It has long been the practice for EPA staff to have verbal conversations with their regulatory partners, tribal or state, as they work through complex permitting decisions. Region 5 Administrator Cathy Stepp has been specifically encouraging EPA staff to work more collaboratively and speak "face-to-face" with state officials to ensure prompt and accurate exchanges of information. This type of communication is essential to promoting better strong between the Agency and the state and tribal entities.

At this time, the EPA is currently reviewing our records as they are potentially responsive to several Freedom of Information Act (FOIA) requests for records pertaining to this permit dating back to mid-2017. Any records found to be releasable will be made available to the public upon the completion of this review period. We will be in touch with you to provide updates as we work to complete this review.

If you have further questions, you may contact me, or your staff may contact Travis Voyles in the EPA's Office of Congressional and Intergovernmental Relations at [Voyles.Travis@epa.gov](mailto:Voyles.Travis@epa.gov) or (202) 564-6399.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Lyons", with a long horizontal flourish extending to the right.

Troy M. Lyons  
Associate Administrator

cc: The Honorable David Joyce, Ranking Member





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 19 2019

OFFICE OF  
CONGRESSIONAL AND  
INTERGOVERNMENTAL  
RELATIONS

The Honorable Lizzie Fletcher  
Chair  
Subcommittee on the Environment  
Committee on Science, Space, and Technology  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Madam Chair:

On behalf of the U.S. Environmental Protection Agency, I am writing in response to your letters dated March 6, 2019 and April 10, 2019, to Administrator Andrew Wheeler, in which you sought information related to the EPA's response to Hurricane Harvey. Enclosed please find an initial production of documents responsive to your March 6 and April 10 requests.


Please note that this production contains documents that reveal internal Agency information. Therefore, we have added a header and footer to these documents that reads "Internal Document of the U.S. EPA; Disclosure Authorized Only to the House Committee on Science, Space, and Technology for Oversight Purposes." Through this accommodation, the EPA does not waive any confidentiality interests in these documents or similar documents in other circumstances.

The EPA recognizes the importance of the Committee's need to obtain information necessary to perform its legitimate oversight functions and is committed to continuing to work with your staff to best accommodate the Committee's interests. We will continue to produce information responsive to your inquiries on a rolling basis as it becomes available.



If you have further questions, you may contact me, or your staff may contact Travis Voyles in the EPA's Office of Congressional and Intergovernmental Relations at [Voyles.Travis@epa.gov](mailto:Voyles.Travis@epa.gov) or (202) 564 6399.

Sincerely,



Troy M. Lyons  
Associate Administrator

cc: The Honorable Roger Marshall, Ranking Member



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 19 2019

OFFICE OF  
CONGRESSIONAL AND  
INTERGOVERNMENTAL  
RELATIONS

The Honorable Eddie Bernice Johnson  
Chairwoman  
Committee on Science, Space, and Technology  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Madam Chairwoman:

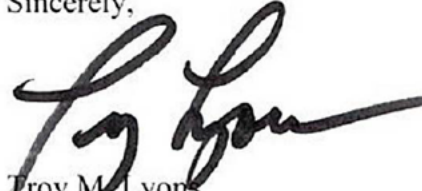
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Sincerely,

A handwritten signature in black ink, appearing to read "Troy Lyons", with a long horizontal flourish extending to the right.

Troy M. Lyons  
Associate Administrator

cc: The Honorable Frank Lucas, Ranking Member



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 30 2019

OFFICE OF  
CONGRESSIONAL AND  
INTERGOVERNMENTAL  
RELATIONS

The Honorable Elijah E. Cummings  
Chairman  
Committee on Oversight and Reform  
U.S. House of Representatives  
Washington, D.C. 20515-6143

Dear Mr. Chairman:

On behalf of the U.S. Environmental Protection Agency, I am writing in response to your letter dated April 23, 2019, seeking information about Administrator Andrew Wheeler's prior work for Faegre Baker Daniels Consulting (Faegre).

As your letter indicates, before entering federal service, Administrator Wheeler submitted a financial disclosure report to the Office of Government Ethics on August 12, 2017, as required when nominated for the Senate-confirmed position of Deputy Administrator. As you may be aware, Administrator Wheeler's nomination was returned to the White House at the end of 2017 as the Senate had not yet acted on the nomination. Administrator Wheeler was renominated in January of 2018. When the Senate voted to confirm Administrator Wheeler as Deputy Administrator on February 29, 2018, the information contained in the financial disclosure report was accurate.

After thoroughly reviewing records, Faegre determined that the firm billed Darling Ingredients just over \$5,000 in 2015 for Administrator Wheeler's representation. Further, the firm determined that it did not bill Darling Ingredients for any representation by Administrator Wheeler after July 7, 2015. Enclosed is documentation from Faegre detailing the final billing information related to Administrator Wheeler's representation of Darling Ingredients. The firm also confirmed that while Administrator Wheeler was listed on the lobbying report for the representation of Darling Ingredients by Faegre for the fourth quarter of 2015 and the first quarter of 2016, he did not represent the company and did not bill for any services during that time. The enclosed letter further indicates that in 2015 the firm collected \$5,444.41 for Administrator Wheeler's representation of Darling Ingredients. This amount exceeds the \$5,000 reporting threshold by \$444.41.



Administrator Wheeler was previously unaware that his billing in 2015 for Darling Ingredients exceeded \$5,000. If the Committee is requesting that the Administrator's two-year-old form be updated to reflect the extra \$441.41 billed then he will do so. Administrator Wheeler's current Public Financial Disclosure Report, filed on December 5, 2018 when he was nominated as Administrator, is accurate. As I am sure you are aware, the Administrator did not list Darling Ingredients on this form because he did not receive any financial compensation from the company after July 7, 2015.

This additional information provided by Faegre also confirms that Administrator Wheeler's participation in any meetings Darling Ingredients, and particularly the meeting on June 26, 2018 that the Committee referenced in its February 13, 2019 letter, did not violate the ethics commitments required of executive branch appointees by Executive Order 13770.<sup>1</sup> As the Agency stated in our April 6, 2019 response, under Paragraph 6 of Executive Order 13770, appointees are prohibited from participating "in any particular matter involving specific parties" that is directly and substantially related to a former employer or former client for two years after appointment.<sup>2</sup> Administrator Wheeler was appointed as Deputy Administrator on April 20, 2018. He did not personally provide lobbying services to Darling Ingredients after July 7, 2015, which is well outside of the two years prior to the date of his appointment. Thus, Darling Ingredients is not considered a "former client" of Mr. Wheeler's under Paragraph 6 of the Executive Order, and Mr. Wheeler's participation in a meeting with Darling Ingredients on June 26, 2018 was not a violation of his ethical commitments required by the Executive Order.

Administrator Wheeler takes seriously his ethics obligations and as previously stated, the Administrator consulted with the career officials in the Office of General Counsel and has been advised about his ethics obligations. The Designated Agency Ethics Official has reviewed and confirmed the accuracy of the information contained in this letter.

The EPA appreciates the Committee's interest in these matters. However, the manner in which the Committee is attempting to obtain information from the Agency deviates from the standard accommodation process. Since providing a response to the Committee's February 13, 2019 letter the Agency did not hear from the Committee again until two months later on April 23, 2019. Further, the Committee's most recent letter mischaracterizes the Agency's response as a decision to "withhold" documents. These approaches are unnecessary, and it is counterproductive to threaten compulsory process to obtain information without engaging with the EPA first. In the future, we urge the Committee to engage in an earnest and good faith effort to obtain information. With regard to this matter, the Agency believes that it has provided the information necessary to fulfill the Committee's request and a briefing would not be beneficial in providing additional information.

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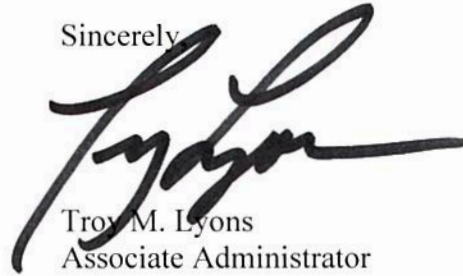
<sup>1</sup> Exec. Order No. 13770, Ethics Commitments by Executive Branch Appointees (Jan 28, 2017).

<sup>2</sup> *Id.* § 1, para. 6.



If you have further questions on this matter, you may contact me, or your staff may contact Travis Voyles in the EPA's Office of Congressional and Intergovernmental Relations at [Voyles.Travis@epa.gov](mailto:Voyles.Travis@epa.gov) or (202) 564-6399.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Lyons", with a long horizontal flourish extending to the right.

Troy M. Lyons  
Associate Administrator

Enclosure

cc: The Honorable Jim Jordan, Ranking Member



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 30 2019

OFFICE OF  
CONGRESSIONAL AND  
INTERGOVERNMENTAL  
RELATIONS

The Honorable Harley Rouda  
Chairman  
Subcommittee on Environment  
Committee on Oversight and Reform  
U.S. House of Representatives  
Washington, D.C. 20515-6143

Dear Mr. Chairman:

On behalf of the U.S. Environmental Protection Agency, I am writing in response to your letter dated April 23, 2019, seeking information about Administrator Andrew Wheeler's prior work for Faegre Baker Daniels Consulting (Faegre).

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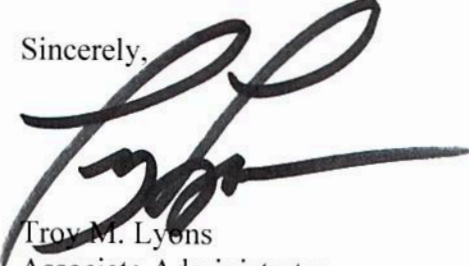
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<sup>3</sup> Exec. Order No. 13770, Ethics Commitments by Executive Branch Appointees (Jan 28, 2017).

<sup>4</sup> *Id.* § 1, para. 6.

If you have further questions on this matter, you may contact me, or your staff may contact Travis Voyles in the EPA's Office of Congressional and Intergovernmental Relations at [Voyles.Travis@epa.gov](mailto:Voyles.Travis@epa.gov) or (202) 564-6399.

Sincerely,

A handwritten signature in dark ink, appearing to read 'T. Lyons', with a long horizontal flourish extending to the right.

Troy M. Lyons  
Associate Administrator

cc: The Honorable James Comer, Ranking Member



# United States Senate

WASHINGTON, DC 20510

April 11, 2019

Andrew Wheeler  
Administrator  
Environmental Protection Agency  
Office of the Administrator, 1101A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**RE: Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces (Docket ID No. EPA-HQ-OAR-2018-0195)**

Dear Administrator Wheeler:

We urge you to add wood and pellet stoves to the two-year “sell-through” period in your proposal to amend the 2015 New Source Performance Standards (NSPS) for new residential hydronic heaters and new forced-air furnaces. This modification will provide manufacturers the continued revenue stream necessary to invest in development and production of “Step 2” compliant appliances; afford retailers the ability to sell through “Step 1” compliant existing inventory; and give consumers greater affordability and choice in the marketplace; all while continuing to deliver on the emissions reductions facilitate by the rule.

Without this change, wood and pellet stoves that are compliant with “Step 1” of the current NSPS but not “Step 2” will not be able to be sold after May 15, 2020. It is the nature of these appliances that they can remain in sellers’ inventories for years due to the seasonally cyclical nature of the wood heater market, and so retailers will be negatively impacted by an esoteric regulatory action that will contribute to stoves already paid for being orphaned through a sales prohibition. Retailers aware of this regulatory impact may not seek to replenish inventories for fears that new products may be similarly unsaleable in just over a year. Owing to this and a lack of certified “Step 2” compliant wood and pellet stoves currently available on the market, consumers will face higher prices and a lack of choice, and may opt to keep their existing, pre-regulation appliances. Finally, allowing sell-through of some wood and pellet heating appliances but not others will serve to create confusion in the marketplace.

The best way to ensure a sound market and to continue to deliver on emissions reductions is to afford consumers more choices at lower prices, thereby facilitating the replacement of older, more emissive appliances with new “Step 1” and “Step 2” compliant stoves. Your proposal to modify the NSPS to extend sell-through for forced-air furnaces and hydronic heaters through May 2022 acknowledges the benefits of a more managed transition for the marketplace; extending this flexibility to retail sales of wood and pellet stoves will confer similar benefits upon this important market sector.

WASHINGTON, DC

172 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-6472

CHARLESTON

500 VIRGINIA STREET, EAST  
SUITE 950  
CHARLESTON, WV 25301  
(304) 347-5372

BECKLEY

220 NORTH KANAWHA STREET  
SUITE 1  
BECKLEY, WV 25801  
(304) 347-5372

MARTINSBURG

300 FOXCROFT AVENUE  
SUITE 202A  
MARTINSBURG, WV 25401  
(304) 262-9285

MORGANTOWN

48 DONLEY STREET  
SUITE 504  
MORGANTOWN, WV 26501  
(304) 292-2310



We urge the Agency to move quickly in finalizing this modest and narrowly tailored improvement to the NSPS proposal that will provide regulatory certainty to all market participants, especially as retailers make purchasing decisions for their inventories over the coming year. Thank you for your consideration of this request.

Sincerely,



Shelley Moore Capito  
United States Senator



Richard Shelby  
United States Senator



James M. Inhofe  
United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

APR 05 2019

The Honorable Brian K. Fitzpatrick  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Representative Fitzpatrick:

Thank you for your March 25, 2019 letter to U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler concerning the East Rockhill Quarry. You expressed concerns regarding asbestos discovered in the quarry and its impacts on air and water quality.

The Clean Air Act (CAA) requires EPA to develop and enforce regulations to protect the public from exposure to airborne contaminants that are known to be hazardous to human health. In accordance with Section 112 of the CAA, EPA establishes National Emission Standards for Hazardous Air Pollutants (NESHAP). Asbestos was one of the first hazardous air pollutants regulated under the air toxics program; asbestos exposure is associated with lung cancer, mesothelioma and asbestosis. Air toxics regulations under the CAA specify work practices for asbestos to be followed during demolitions and renovation of all facilities, including, but not limited to structures and installations (excluding residential buildings that have four or fewer dwelling units).

The Asbestos NESHAP regulations do not apply to quarries, nevertheless my staff contacted the Pennsylvania Department of Environmental Protection (PADEP) Southeast Regional Office, Air Quality Program since PADEP has primary oversight for CAA Permitting in Pennsylvania. PADEP confirmed the East Rockhill Quarry has both an air quality plan approval and a mining permit and PADEP is working to ensure compliance at the East Rockhill Quarry. Requests for copies of permits, plans and briefings, and questions related to the East Rockhill Quarry should be directed to Mr. Robert Fogel, Legislative Liaison, PADEP - Southeast Regional Office, at 484-250-5817.

If you have any questions, please do not hesitate to contact me or have your staff contact Mr. John Armstead, Director, Land and Chemicals Division, at 215-814-3127.

Sincerely,

A handwritten signature in blue ink, which appears to read "Cosmo Servidio", is written over a horizontal line.

Cosmo Servidio  
Regional Administrator

cc: Mr. Robert Fogel, PADEP





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202 – 2733

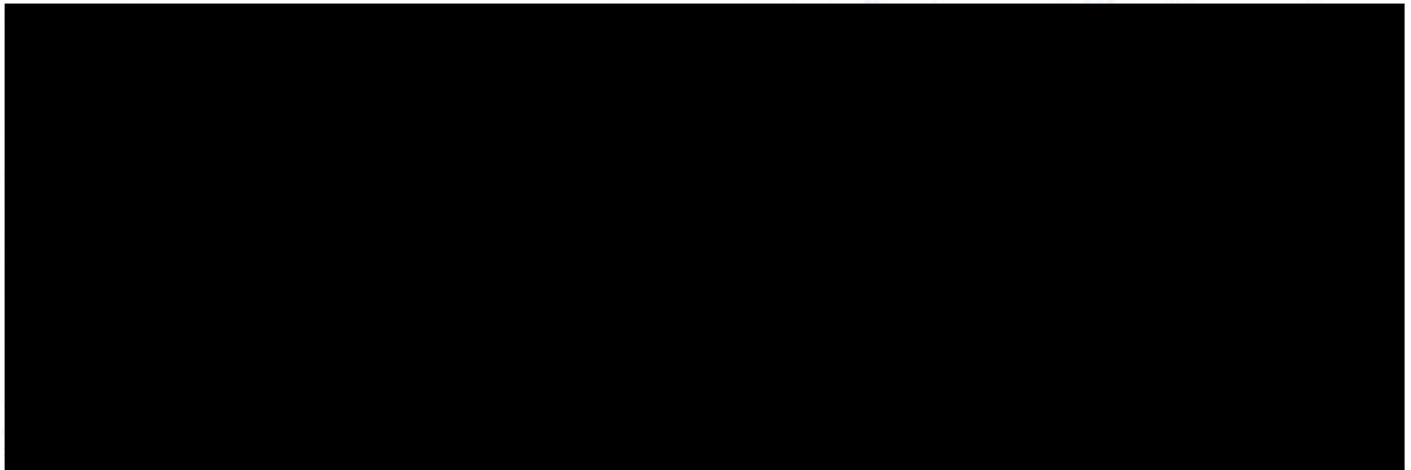
Office of the Regional Administrator

April 23, 2019

The Honorable Mac Thornberry  
House of Representatives  
Washington, D.C. 20515

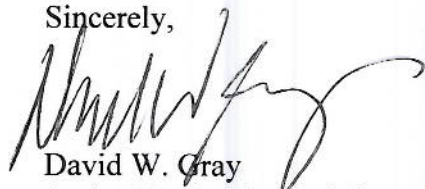
Dear Congressman Thornberry:

Thank you for your letter of March 25, 2019, to the Administrator Wheeler on behalf of [REDACTED]  
[REDACTED] Because this matter falls under the responsibilities of the U.S. Environmental Protection Agency's Region 6 office, I am responding on behalf of Administrator Wheeler.



I hope you find this information useful in responding to your constituent. If you have any questions, please contact me at (214) 665-2100, or your staff may contact Mr. Austin Vela, Congressional Liaison, at (214) 665-9792.

Sincerely,

  
David W. Gray  
Acting Regional Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 24 2019

The Honorable Richard J. Durbin  
United States Senate  
Washington, D.C. 20510

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

Dear Senator Durbin:

Thank you for your letter of March 19, 2019, to the U.S. Environmental Protection Agency, supporting the brownfields grant proposal from the Chicago Southwest Development Corporation (CSWDC) in Chicago, Illinois. We appreciate your interest in the Brownfields Program and your support of this proposal.

Since its inception in 1995, the EPA's Brownfields Program has grown into a proven, results-oriented program that has changed the way contaminated property is perceived, addressed, and managed. The EPA's Brownfields Program is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. The program is an excellent example of the success that is possible when people of all points of view work together to improve the environment and their communities.

Last year's application process was highly competitive with the EPA evaluating more than 620 grant proposals. From these proposals, the EPA announced the selection of approximately 220 grants.

The EPA's selection criteria for grant proposals are available in the *Proposal Guidelines for Brownfields Multipurpose, Assessment, and Cleanup Grants (November 2018)*, posted on our brownfields website at [www.epa.gov/brownfields](http://www.epa.gov/brownfields). Each proposal will be carefully reviewed and evaluated by a selection panel that applies these objective criteria in this highly competitive program. The grant proposal submitted by the CSWDC will be given every consideration.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at [snyder.raquel@epa.gov](mailto:snyder.raquel@epa.gov) or at (202) 564-9586.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry M. Breen", is written over a horizontal line. Below the signature, the name "Barry M. Breen" is printed in a small, sans-serif font.

Barry M. Breen  
Acting Assistant Administrator

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# United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

April 17, 2019

Mr. David Ross  
Assistant Administrator  
Environment Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

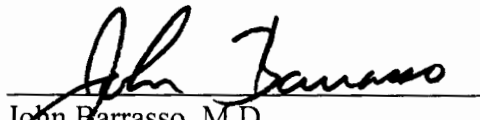
Dear Mr. Ross:

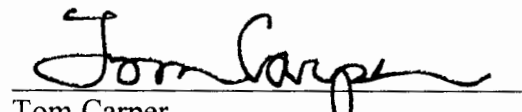
On behalf of the Senate Committee on Environment and Public Works, we would like to thank you for testifying before the Committee on Wednesday, March 28, 2019, at the hearing entitled, *"Examining the federal response to the risks associated with per- and polyfluoroalkyl substances (PFAS)."* The Committee greatly appreciates your attendance and participation in this hearing.

In order to maximize the opportunity for communication between you and the Committee, follow-up questions have been submitted by the members. To comply with Committee rules, please e-mail a copy of your responses to [QFR@epw.senate.gov](mailto:QFR@epw.senate.gov) or deliver one hard copy by COB Wednesday, May 1, 2019. Responses should be delivered to the EPW Committee at 410 Dirksen Senate Office Building, Washington, DC 20510.

If you have any questions about the requests or the hearing, please feel free to contact Staff Director, Richard Russell in the Majority Office at (202) 224-6176 or Staff Director, Mary Frances Repko in the Minority Office at (202) 224-8832.

Sincerely,

  
John Barrasso, M.D.  
Chairman

  
Tom Carper  
Ranking Member



**Senate Committee on Environment and Public Works**  
**Hearing entitled, “Examining the federal response to the risks associated with per- and polyfluoroalkyl substances (PFAS)”**  
**March 28, 2019**  
**Questions for the Record for Mr. Ross**

**Chairman Barrasso:**

1. When does EPA intend to issue a proposed rule for designating PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act?
2. When does EPA intend to release its interim groundwater cleanup recommendations for PFOA and PFOS?
3. Is EPA aware of any informal or formal estimates of the costs to clean up all sites, where the Department of Defense (DOD) or other federal agencies have contaminated groundwater with PFOS and/or PFOA at levels above 70 parts per trillion (ppt), to a level of 70 ppt? If so, please provide those informal or formal cost estimates.
4. Is EPA aware of any informal or formal estimates of the costs to clean up all sites, where DOD or other federal agencies contaminated groundwater with PFOS and/or PFOA at levels above 380 ppt, to a level of 70 ppt? If so, please provide those informal or formal cost estimates.
5. Please provide the following:
  - a. The legal citations to all the final Significant New Use Rules (SNURs) that address PFAS chemicals.
  - b. List all the PFAS chemicals (including acronyms and Chemical Abstracts Service Registry Numbers (CASRNs)) that are subject to these SNURs.
  - c. List all the PFAS chemicals (including acronyms and CASRNs) that have entered the market under one of the exemptions to full pre-manufacture notice review under section 5 of the Toxic Substances Control Act (TSCA).
  - d. List all the PFAS chemicals (including acronyms and CASRNs) that are *either* subject to final SNURs *or* have entered the market under one of the exemptions to full pre-manufacture notice review *and* are now considered “commercially active” on the TSCA Inventory.
6. EPA has published a validated monitoring methodology for detecting 18 PFAS chemicals in drinking water. In 2019, EPA is expected to publish validated monitoring methodologies for detecting 24 PFAS in media other than drinking water. Over 600 PFAS are considered “commercially active” on the TSCA Inventory.
  - a. Why has EPA decided to focus on these specific PFAS chemicals?

- b. What are EPA's plans to publish validated monitoring methodologies for other PFAS chemicals in drinking water and media other than drinking water?
7. You testified that EPA has "a holistic action plan" to address PFAS. You went on to say that: "I worry about the lifecycle of these chemicals. You take them out of water supply. Are we just transferring the media to which we have a problem?" Please describe EPA's plans to provide guidance on the disposal of PFAS, including the disposal of products with PFAS (including but not limited to aqueous film forming foam) and water filtration systems (including but not limited to granular activated carbon) that collect PFAS.
8. EPA is in the process of conducting toxicity assessments for five PFAS chemicals through its Integrated Risk Information System. Separately, EPA released draft assessments for PFAS chemicals, known as GenX and PFBS, in 2018.
  - a. Why did EPA focus on these specific nine PFAS?
  - b. Does EPA plan to conduct toxicity assessments on other PFAS chemicals? If so, please list which PFAS chemicals (including acronyms and CASRNs).
9. Please list which PFAS chemicals (including acronyms and CASRNs) EPA intends to propose including in Unregulated Contaminants Monitoring Rule 5.
10. What do you need from chemical manufacturers and processors or others in the private sector to better understand and respond to the risks associated with PFAS chemicals?
11. Are there lessons or best practices that we can learn from other countries, which are also addressing the risks to public health and the environment associated with PFAS? If so, what are these lessons or best practices?
12. What steps can the Executive Branch take to improve coordination among federal agencies as it responds to the risks associated with PFAS chemicals?
13. What steps can the Executive Branch take to improve communication with states, tribes, local communities, and the public about the risks associated with PFAS chemicals?

**Ranking Member Carper:**

**Questions about the PFAS Action Plan**

14. Please provide the following:
  - a. Copies of all documents exchanged between EPA and DOD regarding the PFAS Action Plan or the groundwater cleanup guidelines for PFOS and PFOA.
  - b. Copies of all documents exchanged between EPA and OMB regarding the PFAS Action Plan or the groundwater cleanup guidelines for PFOS and PFOA.
  - c. Copies of all documents exchanged between EPA and HHS regarding the PFAS Action Plan or the groundwater cleanup guidelines for PFOS and PFOA.

- d. Copies of all documents exchanged between EPA and NASA regarding the PFAS Action Plan or the groundwater cleanup guidelines for PFOS and PFOA.

For purposes of this request, “documents” includes, but is not limited to, comments, notes, emails, legal and other memoranda, white papers, scientific references, letters, telephone logs, text messages, meeting minutes and calendars, photographs, slides and presentations. In the case of meetings, calls, or other oral communications, please include the date, time, and location at which such communications took place, a list of the individuals who participated, as well as a description of the communication.

15. At the press conference announcing the PFAS Action Plan, Administrator Wheeler described eight instances in which EPA issued enforcement orders or assisted with state enforcement actions. Please provide details of each such instance (and any subsequent actions), including the name of the cases and defendants, the jurisdictions/states where enforcement occurred, and any notices of violation issued.
16. The PFAS Action Plan describes research efforts designed to inform EPA’s future regulatory efforts related to PFAS. How will EPA use non-targeted analysis to identify any and all PFAS in the environment to inform its decisions for the regulation of PFAS, for example by requiring listing of specific PFAS on the Toxics Release Inventory? If EPA has no such plans why not, since history has shown that the presence of one type of PFAS often means that others are also present at an environmental site?
17. The PFAS Action Plan describes EPA’s efforts to use computational methods utilized in EPA’s CompTox program “to explore different chemical categories of PFAS, to inform hazard effects characterization, and to promote prioritization of chemicals for further testing.” How does EPA plan to integrate the results of this work into its regulatory efforts, for example, by ensuring that the information is considered when EPA is reviewing pre-manufacturing notices for new PFAS or using the results to inform its regulatory efforts for existing PFAS?
18. The PFAS Action Plan stated that EPA plans to “finalize draft toxicity assessments for GenX chemicals and PFBS; develop additional PFAS toxicity values for PFBA, PFHxA, PFHxS, PFNA, and PFDA.” How can approaches such as evidence mapping be used to identify other PFAS substances that might be good candidates for toxicity evaluations? How does EPA plan to use these toxicity values to inform decisions on tracking or regulating these PFAS?

### **Questions about PFAS-contaminated sludge**

Recently, press reports described situations in New Mexico and Maine in which PFAS-contaminated sludge that had been used as fertilizer devastated dairies whose milk had become highly contaminated as well.

19. Is EPA aware of the degree to which PFAS-contaminated sludge has historically been spread in the United States? If so, please provide specific information that includes the

estimated amount of PFAS that has been spread in sludge for each year for which EPA has such information (including the amount of sludge that was spread on each type of cropland, dairy farm, other land type, etc.). For farmland sites (including dairy farms) where sludge was spread in the United States, what is the name and location of each site, and what agricultural products are produced there? If EPA does not possess any of this information, please specifically describe the steps EPA plans to take to assess and quantify the extent and location of PFAS sludge-spreading activities.

20. For each year since the passage of the Clean Water Act of 1972, please provide a list that includes the name, location, and type (i.e. publicly owned treatment works, pulp and paper industry, etc.) of sludge generators that operated in the United States. Please also indicate which sludge generator required treatment of wastewater prior to discharge.
21. Is EPA aware of the fate of sludge after it is generated, by amount, type of disposal (landfilling, incineration, land spreading, composting, etc.) and source of sludge (i.e. pulp and paper mills, other source category)? If so, please provide a specific description and quantification thereof. If not, please specifically describe the steps EPA plans to obtain such information.
22. For sludge that was composted, is EPA aware of the ultimate fate of such sludge (e.g. applied to farm land, applied to municipal land, provided to general public, etc.)? If so, please provide a specific description and quantification of any amounts thereof. If not, please specifically describe the steps EPA plans to take to obtain such information.
23. Please provide a list of all sites of PFAS-contamination that are suspected to have been contaminated in whole or in part by sludge-spreading activities, including the site name and location, source of the sludge, environmental media affected (soils, ground water, drinking water, cow's milk, crops (specify), manure, etc.), and highest concentration of each individual PFAS compound measured in each medium, and known or suspected source of PFAS in the sludge (by name or category).
24. Please provide a list that includes any established federal or state standards or screening levels for beneficial reuse that have been established to limit the acceptable amount of PFAS in sewage sludge, for which specific PFAS compounds (or total PFAS) do they apply, and to which geographic locations the standards or levels apply.
25. The PFAS Action Plan states that "The EPA is in the early scoping stages of risk assessment for PFOA and PFOS in biosolids to better understand the implications of PFOA and PFOS in biosolids to determine if there are any potential risks." Please provide as much specificity on EPA's plans to conduct this risk assessment as possible, including the timeline for its completion.
26. The PFAS Action Plan states that EPA will "Provide additional methods for stakeholders and the EPA to identify the presence of PFAS in concentrations of concern for media other than drinking water" and cites biosolids as one such type of media for which

methods will be developed. Please provide as much specificity on the development of these methods as possible, including the timeline for their completion.

#### **Questions about PFAS and TSCA**

27. The PFAS Action Plan says that EPA will finalize a Significant New Use Rule (SNUR) under TSCA, first proposed in 2015, for new uses of some PFAS. When will this rule be finalized?
28. For each year since 2007, please list each new PFAS for which there was both a pre-manufacturing notice (PMN) and notice of commencement (NOC) received by EPA. Please provide, for each such chemical, the CAS number, date received, case number, amendment number and version, manufacturer, and commencement date (as applicable, and excluding CBI), and whether the substance was subject to a consent order.
29. There are a number of PFAS that have been subject to SNURs in 2002 and 2007 that remain on the TSCA Inventory. Is EPA aware of which of these PFAS substances remained in active commerce later than 2016? If so, please provide a list. If not, what is EPA doing to determine the answer to this question, since many of the PFAS subject to these SNURs were 8-carbon PFAS related to voluntary and enforcement actions taken to phase out PFAS of concern?

#### **Questions about PFAS and Superfund**

30. Has EPA tested all Superfund sites for the presence of PFAS? If so, please provide a list of Superfund sites at which PFAS has been found, along with the name of the PFAS chemical identified and the levels measured. If not, when does EPA plan to undertake such testing? If so, how long will PFAS be monitored for at those sites?

#### **Questions about PFAS and Water**

31. Does EPA have monitoring results for PFAS detections in drinking water systems below the minimum reporting level in UCMR 3? If so, please provide that data. If not, please explain why not, since it is my understanding that measurements were conducted down to the detection limit of the methodologies used.
32. Is it possible to develop a validated total PFAS or total organic fluorine methodology to detect and monitor PFAS in drinking water and ground water? If so, please describe the steps required to complete the development and/or validation of such a methodology, along with expected timelines for their completion. If such a methodology was completed, how could it best be used to advance EPA's PFAS research, monitoring and regulatory efforts? Could you describe any statutory barriers that could hinder or prevent the utilization of such a methodology to support the development or implementation of regulations under each of the Safe Drinking Water, Clean Water, Emergency Planning and Community Right-to-Know, Toxic Substances Control, Clean Air or Comprehensive Environmental Response, Compensation and Liability Acts? (As non-exhaustive



examples, could you describe any potential implementation challenges of i) promulgating a total PFAS drinking water standard, ii) adding all active PFAS chemicals to the Toxic Release Inventory, or iii) designating all PFAS as hazardous substances)?

33. Many entities have recommended that all PFAS be regulated as a class, instead of via a chemical-by-chemical approach. Could you describe all efforts by EPA to research, monitor and regulate PFAS as a class (including sub-classes consisting of some but not all PFAS substances) as well as any statutory, scientific or other barriers to doing so?
34. Once EPA finalizes toxicity values for each PFAS or class of PFAS, does it plan to develop drinking water health advisories for each one? If not, why not, since a toxicity value in isolation will not provide a community with information that can be easily used to identify a safe level for that PFAS or class of PFAS in drinking water or groundwater.

**Senator Capito:**

35. Can you elaborate on how the ATSDR's Toxicological Profile factors into the EPA's regulatory processes, especially as concerns determining a potential MCL? Does the ATSDR Toxicological Profile require or directly translate into environmental standards to be set by the EPA?
36. What is a realistic regulatory timeline for a determination on a potential MCL for a particular PFAS compound or class of PFAS?
37. Can there be regulatory flexibilities under a potential MCL or other regulatory action to reduce the frequency and cost of sampling?
  - a. Could the EPA's approach to regulating asbestos or VOCs in drinking water serve as a model for a flexible approach here?
38. Does EPA intend to add any PFAS or classes of PFAS to UMCR 5? If so, which?
39. Will the agency conduct any sampling before UMCR 5?
40. Under TSCA, what is EPA doing regarding SNURs for existing PFAS chemicals in the marketplace?
41. How many PFAS are currently used in commerce?
42. During the hearing, you mentioned that the EPA Office of Air is currently working on PFAS air standards and monitoring techniques.
  - a. Can EPA elaborate on that work for the record and provide a timeline for finalization of standards or monitoring techniques?

- b. While these standards and monitoring techniques are being developed, how has the EPA certified or monitored existing facilities that are already being employed to destroy, via combustion, Department of Defense stockpiles of FFO?
- i. How confident is the EPA that this mitigation of the Department of Defense's legacy PFAS material is not simply shifting this pollution to a different medium, namely air?

**Senator Cramer:**

- 43. Mr. Ross, both you and Administrator Wheeler have stated that you intend to move forward with a rulemaking process to set an enforceable maximum contaminant levels (MCLs) for PFAS under the Safe Drinking Water Act. According to your website, there are three criteria that must be met in order to set a national MCL under the Safe Drinking Water Act. One of them is: "The contaminant is known to occur or there is a high chance that the contaminant will occur in public water systems often enough and at levels of public health concern." What metrics do you use to determine the prevalence or "high chance" of a substance in public waters systems nationally?
- 44. The publicly available maps shows high concentrations of PFAS in certain regions while certain areas have very little, if any. There is concern that we create a national regulatory burden for everyone rather than proactively targeting the communities most in need. As you work through the rulemaking process, are there tools you can use to try and address this in a more targeted, regional fashion rather than a national mandate which will require water providers everywhere to do testing?

**Senator Gillibrand:**

- 45. Mr. Ross, the public has a right to know when PFAS are present in their drinking water or groundwater, as well as when these chemicals are released into the air. Does the EPA currently require monitoring or reporting for releases of PFAS into air and water?
  - a. Why has EPA not used its existing authority under the Toxic Release Inventory to require polluters to report releases of PFAS to the public?
- 46. Is EPA still approving new PFAS chemicals for commercial use under the Toxic Substances Control Act?
  - a. If yes, how many new PFAS chemicals have been approved under the current Administration?
- 47. You have indicated that the EPA intends to issue a regulatory determination on whether to regulate PFAS under the Safe Drinking Water Act by the end of the year. Once your regulatory determination has been made, how long does EPA intend to take to set an enforceable Maximum Contaminant Level for PFAS in drinking water?

**Senator Inhofe:**

48. There are claims that the Environmental Protection Agency's (EPA) health advisory is too low given the Agency for Toxic Substances and Disease Registry's (ATSDR) minimum risk level. It is my understanding that the EPA's health advisory and the ATSDR's level are answers to different questions.
- a. Is this accurate?
  - b. If so, what are those differences?
49. The ATSDR report from last summer states, "The available human studies have identified some potential targets of toxicity; however, cause and effect relationships have not been established for any of the effects, and the effects have not been consistently found in all studies." To be clear, does this mean that the report did not establish "causation" relative to various health outcomes that were being cited?
50. Given the various recent studies of PFAS chemicals that have taken place, including one clinical trial of PFOA doses administered to humans leading to average blood levels of 175,000 parts per *billion*, is EPA tracking the studies?
- a. If so, what role will they serve in informing the various regulatory actions the agency will be taking in the coming months?
  - b. How will EPA determine which are most "informative" for the purpose of regulatory decisions?
51. Data from the annual CDC NHANES survey and the Red Cross show that as of 2015, the average levels of PFOA and PFOS in the general U.S. population have declined 70-80 percent since 2000. Given this data, does EPA expect that these levels would continue to decline?
52. What is EPA's understanding of the means of exposure for PFAS chemicals for people overall?
- a. Is it primarily through drinking water?
  - b. If so, what percent of exposure risk is likely via drinking water versus other means?
53. Other countries have been dealing with this issue as well and might be further along in their dealings with these chemicals.
- a. Is EPA looking at the international response?
  - b. How does the EPA's health advisory level compare to other countries?

**Senator Markey:**

54. Out of the C8 PFAS chemicals on the Toxic Substances Control Act inventory, how many are still being actively used in commerce in 2019?

**Senator Sanders:**

55. Elevated and unsafe levels of perfluoroalkyl substances (PFAS) have been found in hundreds of sites and at least one municipal water system in Vermont, and have contaminated public water and other natural resources for an estimated 16 million people nationally. Despite this clear and serious health risk, the EPA has yet to make a final regulatory determination to regulate PFAS chemicals as a drinking water contaminant under the Safe Drinking Water Act. Please provide a timeline for a final regulatory determination to regulate PFAS chemicals as a drinking water contaminant under the Safe Drinking Water Act.
56. Will you commit to meeting the Safe Drinking Water Act statutory deadlines to set a maximum contaminant limit once the EPA has made the regulatory determination to regulate PFAS chemicals as a drinking water contaminant?
57. Several states, including my home state of Vermont, have set health advisories for drinking water containing PFAS chemicals that are significantly more stringent than the EPA's lifetime health advisory level. The most recent update to the Toxic Substances Control Act (TSCA) contained a provision that protects states that had more stringent standards on the books before April 22, 2016 (Sec. 13 State-Federal Relationship, 15 USC § 2617(e)(1)(A)). Will you commit to avoiding any actions that would preempt states' ability to enforce health advisory levels for PFAS enacted before April 22, 2016 that are more stringent than the EPA's standards? If you will not make this commitment, please describe the specific instances in which you believe TSCA would prevent states from enforcing more stringent requirements the state had established before April 22, 2016.

**Senator Sullivan:**

58. You and the Administrator have stated that you are working through your action plan to set an MCL for and list as hazardous substances under CERCLA some set of PFAS chemicals this year. If listed under CERCLA owners or operators of facilities where a release took place would be strictly liable for cleaning up the site and the costs. In Alaska aircrafts are vital for transportation, supplies, and general access to various communities. Current FAA regulations require certain airport operators to maintain Aircraft Rescue and Firefighting equipment and systems, including Aqueous Firefighting Foams (AFFF). These AFFFs must meet military specifications that include certain PFAS chemicals. Thus, airport operators have been required by federal law to use and discharge for

training PFAS. Many airports in my state are owned and operated by the State or local municipalities. If PFAS chemicals are listed as hazardous under CERCLA, will these State and local governments be liable for both the clean-up and the costs from discharges of chemicals that were mandated by federal law? Can you under existing law exclude these entities from liability if the costs threaten to bankrupt a city or other entity? Finally, would an exclusion from liability for a state or local government if the release that contaminated the site were mandated under federal law, still allow for clean-up of affected sites?

- 59. Are their accepted techniques to properly clean up and dispose of PFAS contaminated soil? For instance can contaminated soil be burned to remediate a site?
- 60. Are existing funding sources to help affected communities adequate given the growing scope of sites that have been discovered?

**Senator Wicker:**

- 61. Water utilities in rural and underserved communities may struggle to gather the resources necessary to filter PFAS out of their system. If EPA sets a maximum contaminant level (MCL) for certain PFAS chemicals, what will be the timeline for compliance for a noncompliant water utility? Additionally, how will EPA work with rural and underserved communities that have limited resources to ensure compliance?
- 62. Will EPA be re-opening closed Superfund sites to evaluate the area for PFAS contamination? Will existing Superfund sites be reevaluated for PFAS contamination?
- 63. Have there been any economic impact studies to determine at the State level how the regulation of PFAS will affect drinking water programs and cleanup programs?



NITA M. LOWEY, NEW YORK, CHAIRWOMAN

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ED CASE, HAWAII

**Congress of the United States**  
**House of Representatives**  
**Committee on Appropriations**  
**Washington, DC 20515-6015**

KAY GRANGER, TEXAS  
HAROLD ROGERS, KENTUCKY  
ROBERT B. ADERHOLT, ALABAMA  
MICHAEL K. SIMPSON, IDAHO  
JOHN R. CARTER, TEXAS  
KEN CALVERT, CALIFORNIA  
TOM COLE, OKLAHOMA  
MARIO DIAZ-BALART, FLORIDA  
TOM GRAVES, GEORGIA  
STEVE WOMACK, ARKANSAS  
JEFF FORTENBERRY, NEBRASKA  
CHUCK REICHSMANN, TENNESSEE  
JAIME HERRERA BEUTLER, WASHINGTON  
DAVID P. JOYCE, OHIO  
ANDY HARRIS, MARYLAND  
MARTHA ROBY, ALABAMA  
MARK E. AMODEI, NEVADA  
CHRIS STEWART, UTAH  
STEVEN M. PALAZZO, MISSISSIPPI  
DAN NEWHOUSE, WASHINGTON  
JOHN R. MOOLenaar, MICHIGAN  
JOHN H. RUTHERFORD, FLORIDA  
WILL HURD, TEXAS

SHALANDA YOUNG  
CLERK AND STAFF DIRECTOR  
(202) 225-2771

April 9, 2019

The Honorable Andrew Wheeler  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington DC 20004

Dear Administrator Wheeler:

I am writing to you to follow up to your testimony last week before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies.

During the hearing, I asked you several questions with respect to EPA's review of a National Pollution Discharge Elimination System (NPDES) water permit prepared by the Minnesota Pollution Control Agency (MPCA) for Poly Met Mining Inc.'s NorthMet mining project in St. Louis County, Minnesota.

In particular, I asked you if EPA staff had shared their concerns about MPCA's draft NPDES permit, and you indicated that EPA staff had done so, in a face-to-face meeting with MPCA staff. I also asked you if there were written notes or other documents prepared by EPA that documented the concerns EPA staff shared with MPCA staff. You responded that you were searching EPA records for this and other documents on response to a FOIA request, and that you would provide them to me when you located those records.

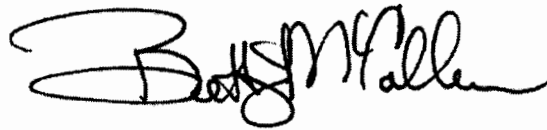
The following day, on April 3 2019, in a response filed with the U.S. District Court for the District of Columbia regarding a FOIA lawsuit, EPA admitted that "it has retained a copy of the draft document that memorialized what was shared verbally with MPCA staff."

I find it highly unlikely that EPA located this document on the afternoon of April 2, sometime between when you appeared before the subcommittee and when EPA filed its response with the Court. Rather, it is far more likely that you or your staff were fully aware that EPA had in its possession the documents I was asking about. The letter your staff sent me on April 1 and your

testimony on April 2 appears to have been intended to obfuscate this fact, and delay the production and release of the requested documents.

It is now abundantly clear that EPA has located the document in question which you committed to giving me. I therefore ask you to immediately provide this document, as well as any other relevant records I had requested in my February 25, 2019 letter, by no later than Wednesday April 10, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Betty McCollum". The signature is fluid and cursive, with the first name "Betty" written in a large, stylized loop.

Betty McCollum  
Chair,  
Subcommittee on Interior, Environment,  
and Related Agencies

# United States Senate

WASHINGTON, DC 20510

April 30, 2019

Jerry Minor-Gordon  
U.S. Environmental Protection Agency  
Office of Brownfields and Land Revitalization  
1200 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Ms. Minor-Gordon:

I write regarding the application submitted by the City of Gastonia for funding through the Environmental Protection Agency's (EPA) Brownfields Community-wide Assessment Grant Program.

I understand the City of Gastonia has identified several brownfield properties near the NC-7 Corridor that pose a potential threat to the health and safety of nearby residents, and seeks funding to identify which of these properties can be revitalized and redeveloped for commercial and residential use. I am told that because these properties are located near downtown Gastonia and the NC-7 Corridor, revitalization efforts could result in job creation and overall increase in economic development in the area. As the City of Gastonia is located in my state and is home to many of my constituents, I am interested in this effort.

I hope you will give full and fair consideration to the grant application submitted by the City of Gastonia. Should you require additional information, please do not hesitate to contact Kelsey Byerly in my office at (202) 224-3154. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'R Burr', with a stylized flourish extending from the end.

Richard Burr  
United States Senator



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-4006**

April 8, 2019

The Honorable Andrew Wheeler  
Administrator  
United States Environmental Protection Agency  
Office of the Administrator Mail Code 1101A  
1200 Pennsylvania Avenue, Northwest  
Washington, D.C. 20460

Dear Administrator Wheeler:

I am writing you in strong support of an application for funding which has been submitted by the City of Columbia, South Carolina under the Brownfields Assessment Grant Program. In it's application, the City of Columbia proposes to utilize program funding to develop an area wide corridor redevelopment plan for the South Edisto neighborhood which is in the southeast portion of the city.

The South Edisto community is a predominantly low-income neighborhood which is comprised of vacated industrial property, the City of Columbia general aviation airport in addition to many residences. Efforts are already underway to improve connectivity between the general aviation airport and major thoroughfares which border this community. In addition, the City has purchased some vacated properties, demolished dilapidated structures and has begun construction on a mixture of affordable duplex units, townhomes and single-family homes.

The Brownfields Assessment Grant will enable the City of Columbia to plan for the abatement, cleanup and repurposing of vacant industrial property which comprise 108 acres of noncontiguous property in three separate tracts. The City has identified eight public and private partners which have committed to assisting in the redevelopment efforts of the South Edisto project which will restore this once vibrant community.

The City of Columbia has a successful track record of managing and implementing Brownfield Cooperative Agreements which have made the city a model for Brownfields redevelopment. The investment in this community by the Environmental Protection Agency will complement both public and private investments which are being made to revitalize this community. Again, I believe that this effort is worthy of investment by the Environmental Protection Agency and I am respectfully recommending it to you for approval and funding.

With kindest regards, I am

Sincerely,

James E. Clyburn  
Assistant Democratic Leader  
U.S. House of Representatives

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-5074

<http://oversight.house.gov>

April 23, 2019

The Honorable Andrew R. Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Administrator Wheeler:

The Committee is investigating your compliance with the Ethics in Government Act, your decision to withhold documents requested by the Committee several months ago regarding your potential conflicts of interest, and new documents obtained by the Committee that appear to show that you omitted a former lobbying client from your public financial disclosure report.

The Ethics in Government Act requires federal officials to disclose the source of any compensation greater than \$5,000 in any of the two calendar years prior to the reporting year and to provide "a brief description of the nature of the duties performed or services rendered by the reporting individual for each such source."<sup>1</sup> Under this statute, a federal official who has "worked on a matter involving a client" must disclose the name of that client "if the value of the services rendered by the nominee exceeded \$5,000."<sup>2</sup> Guidance by the Office of Government Ethics instructs officials to take the following actions:

Report any source that paid more than \$5,000 for your personal services in any calendar year during the reporting period, which covers the preceding two calendar years and the current calendar year up to the date of filing.

Report such payments both from employers and from any clients to whom you personally provided services. You must report a source even if the source made its payment to your employer and not to you.<sup>3</sup>

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<sup>1</sup> 5 U.S.C. app. § 102(a)(6).

<sup>2</sup> 5 C.F.R. § 2634.308 (2006).

<sup>3</sup> Office of Government Ethics, *Public Financial Disclosure Guide* (online at [www.oge.gov/Web/278eGuide.nsf/Chapters/Your%20Sources%20of%20Compensation%20Exceeding%20\\$5,000%20in%20a%20Year%20\(Nominee%20and%20New%20Entrant%20Reports%20Only\)?opendocument](http://www.oge.gov/Web/278eGuide.nsf/Chapters/Your%20Sources%20of%20Compensation%20Exceeding%20$5,000%20in%20a%20Year%20(Nominee%20and%20New%20Entrant%20Reports%20Only)?opendocument)).



On August 12, 2017, you submitted your financial disclosure report to the Office of Government Ethics for the period between January 1, 2015, to August 12, 2017.<sup>4</sup> You did not report Darling Ingredients as a source of compensation.

Your financial disclosure report was inconsistent with lobbying disclosure reports filed by your former employer, Faegre Baker Daniels Consulting (Faegre). According to quarterly disclosure reports filed by Faegre, you engaged in lobbying activities on behalf of Darling from April 1, 2015, to May 31, 2016.<sup>5</sup> These reports, filed throughout 2015 and 2016, indicate that Darling paid \$270,000 to Faegre for the lobbying services provided by you and two other employees at the firm during this period.<sup>6</sup>

To investigate this discrepancy, on February 13, 2019, the Committee requested that you produce documents showing your total compensation for lobbying activities conducted on behalf of Darling from January 1, 2015, to August 12, 2017.<sup>7</sup>

On March 6, 2019, Troy Lyons, an Associate Administrator at the Environmental Protection Agency (EPA), responded to the Committee by claiming that your participation in a meeting with Darling on June 26, 2018, “did not violate Executive Order 13770.” However, his response did not address whether you complied with the Ethics in Government Act. To date, you have failed to comply with the Committee’s requests for documents, including documents relating to your compensation from Darling.<sup>8</sup>

New documents obtained by the Committee from Darling show that the company paid at least \$5,327 for your services over many months throughout the course of 2015, including \$3,052.50 in February for 5.5 hours of services, \$888 in March for 1.6 hours of services, and \$1,387.50 for 2.5 hours of services in May. The documents show that you also provided 3.5 hours of services to Darling in August of 2015. If your services in August were provided at the same hourly rate as the services provided in the prior months of 2015, the total value of the services you provided to Darling in 2015 would have been at least \$7,270.

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<sup>4</sup> Andrew Wheeler, *Executive Branch Personnel Public Financial Disclosure Report* (Aug. 12, 2017) (online at [www.documentcloud.org/documents/4387529-Andrew-Wheeler-Financial-Disclosure.html](http://www.documentcloud.org/documents/4387529-Andrew-Wheeler-Financial-Disclosure.html)).

<sup>5</sup> FaegreBD Consulting, *Second Quarter 2015 to Second Quarter 2016 Lobbying Disclosure Reports on Behalf of Darling International* (online at <https://bit.ly/2TKV8j4>) (accessed Feb. 12, 2019).

<sup>6</sup> *Id.*

<sup>7</sup> Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, and Chairman Harley Rouda, Subcommittee on Environment, Committee on Oversight and Reform, to Acting Administrator Andrew Wheeler, Environmental Protection Agency (Feb. 13, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-02-13.EEC%20Rouda%20to%20Wheeler.pdf>).

<sup>8</sup> Letter from Associate Administrator Troy M. Lyons, Environmental Protection Agency, to Chairman Elijah E. Cummings, Committee on Oversight and Reform (Mar. 6, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/EPA.03062019%20Response%20to%20EEC%20Rouda%20re%20Wheeler%20Lobbying.pdf>).

These documents indicate that you may have improperly omitted Darling from your financial disclosure, and they raise concerns that you may have failed to identify other clients who paid for your services as a lobbyist during the period covered by your disclosure report.

For these reasons, the Committee requests that you produce all of the documents previously requested by the Committee on February 13, 2019. Please inform the Committee by April 30, 2019, whether you intend to comply with this request voluntarily or whether compulsory means will be necessary.

In addition, the Committee requests a staff briefing by May 3, 2019, to answer the following questions:

1. Why did you exclude Darling Ingredients from the list of your sources of compensation in your public financial disclosure report filed on August 12, 2017?
2. What process did you use to identify the sources of your compensation as a lobbyist at Faegre?
3. Have you provided a full list of your former clients to the designated agency ethics official for EPA?
4. Did the designated agency ethics official for EPA approve of your decision not to include Darling in your financial disclosure report?
5. From which matters have you recused yourself in your role as Deputy Administrator of EPA?
6. Which matters have you recused yourself from in your role as Administrator of EPA?

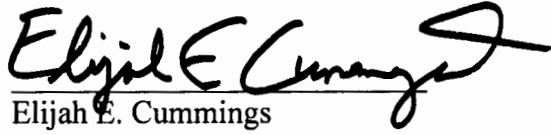
The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X.

The Honorable Andrew R. Wheeler

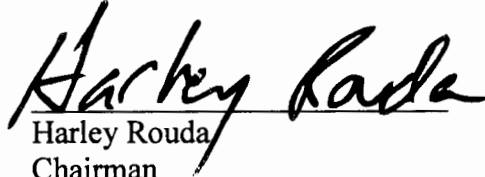
Page 4

An attachment to this letter provides additional instructions for responding to this request. If you have any questions, please contact Committee staff at (202) 225-5051.

Sincerely,



Elijah E. Cummings  
Chairman



Harley Rouda  
Chairman  
Subcommittee on Environment

Enclosure

cc: The Honorable Jim Jordan, Ranking Member

The Honorable James Comer, Ranking Member  
Subcommittee on Environment

### **Responding to Oversight Committee Document Requests**

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
  - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - b. Document numbers in the load file should match document Bates numbers and TIF file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,  
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.



18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

#### **Definitions**

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.

[REDACTED]

February 11, 2015

[REDACTED]

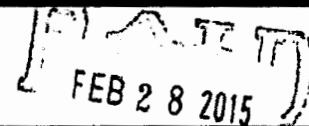
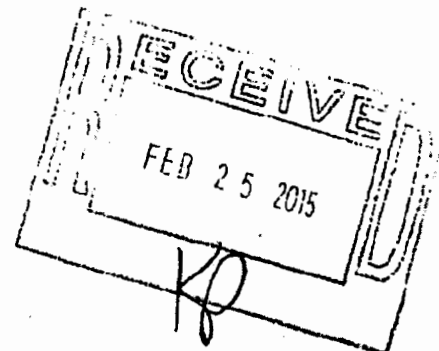
[REDACTED]

Client                      Darling Ingredients Inc.

[REDACTED]

For professional services rendered and disbursements incurred through January 31, 2015

[REDACTED]



[REDACTED]

February 11, 2015

[REDACTED]

[REDACTED]

## Invoice Detail

Client      Darling Ingredients Inc

[REDACTED]

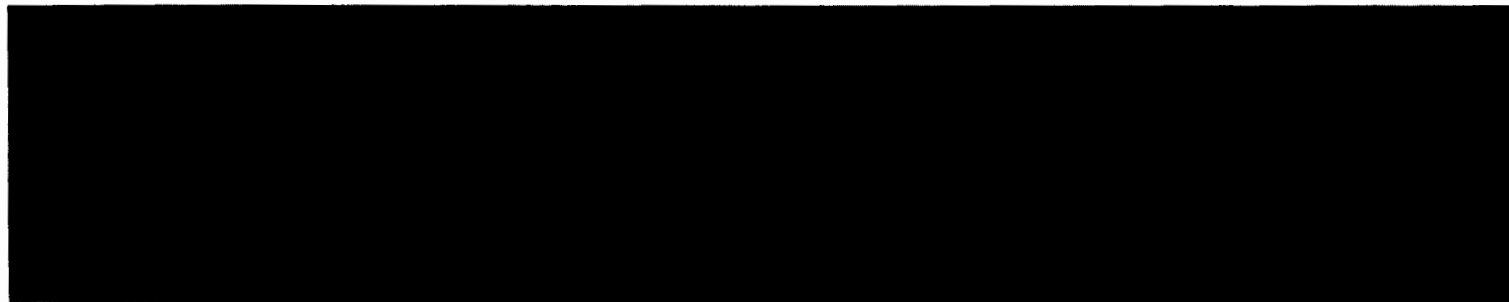
For professional services rendered and disbursements incurred through January 31, 2015

[REDACTED]



Services Summary by Professional

Name	Hours	\$ Value
[REDACTED]		
A.R. Wheeler	5.50	<u>3,052.50</u>
[REDACTED]		





March 5, 2015

## Invoice Summary

Client

Darling Ingredients Inc.

**PAID**  
MAR 17 2015

For professional services rendered and disbursements incurred through February 28, 2015

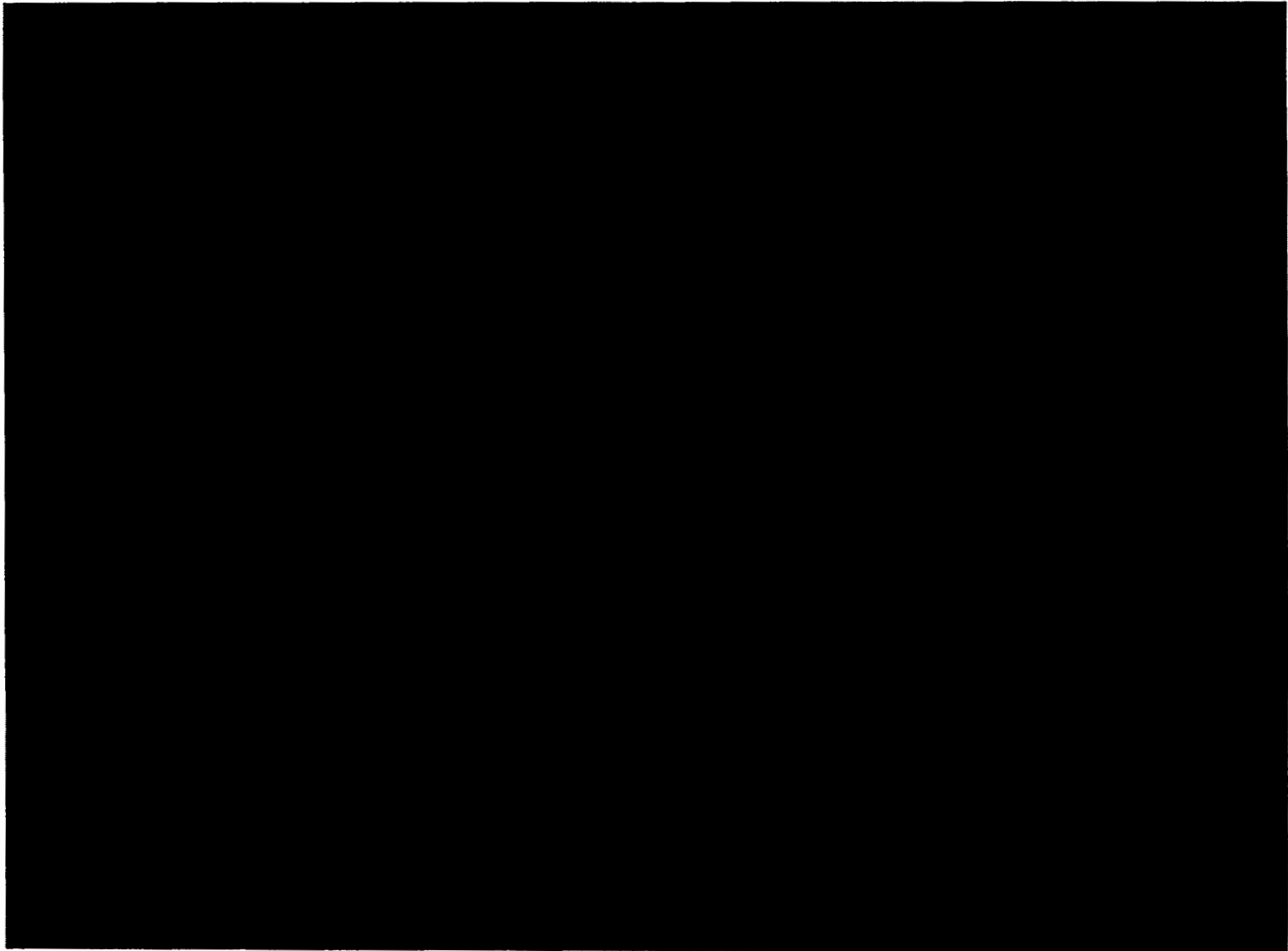


## Invoice Detail

Client      Darling Ingredients Inc.



For professional services rendered and disbursements incurred through February 28, 2015



**Services Summary by Professional**

Name	Title	Hours	\$ Rate	\$ Value
A.R. Wheeler	SVP	1.60	555.00	888.00

April 21, 2015

## Invoice Summary

Client

Darling Ingredients Inc.

PAID  
MAY 06 2015

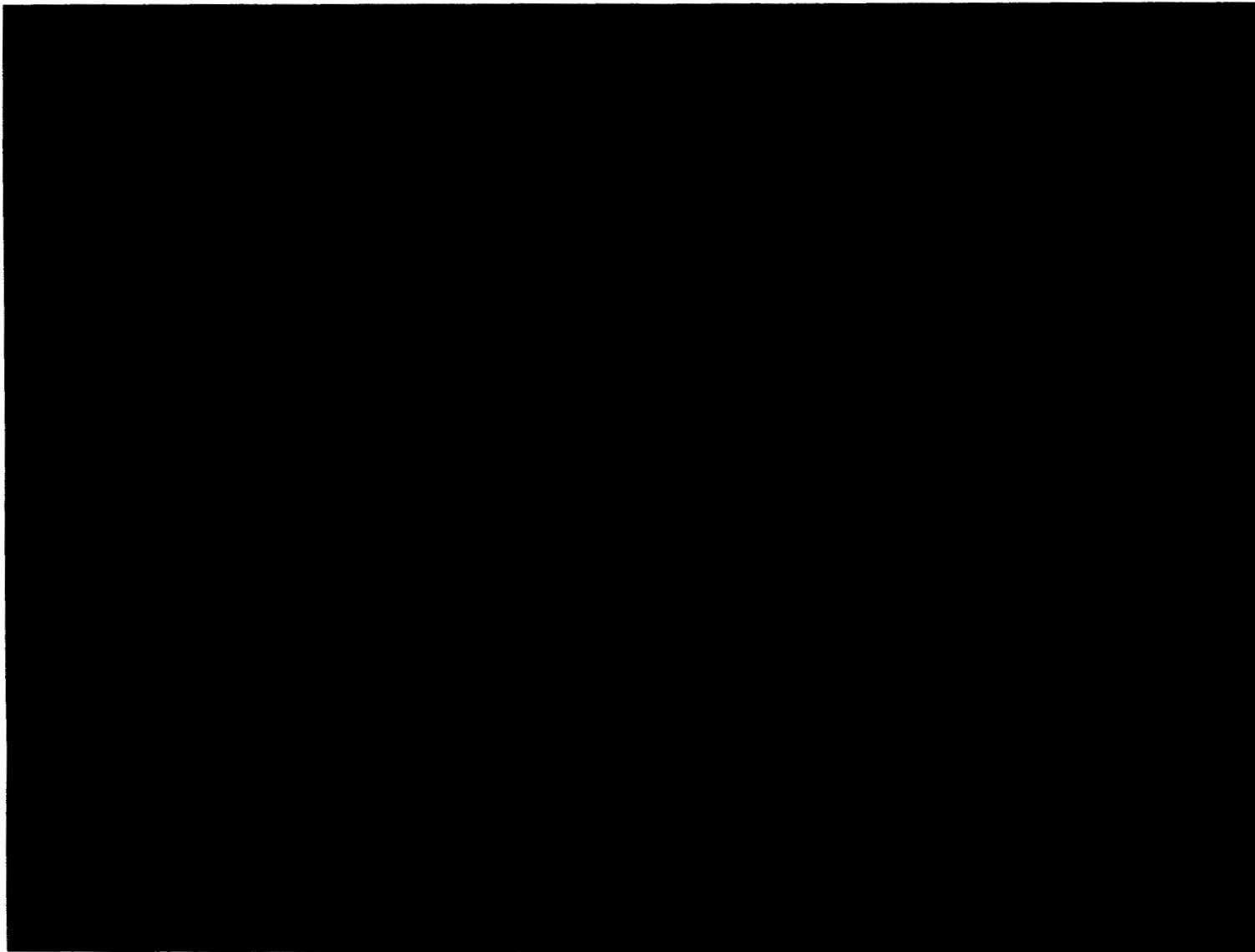


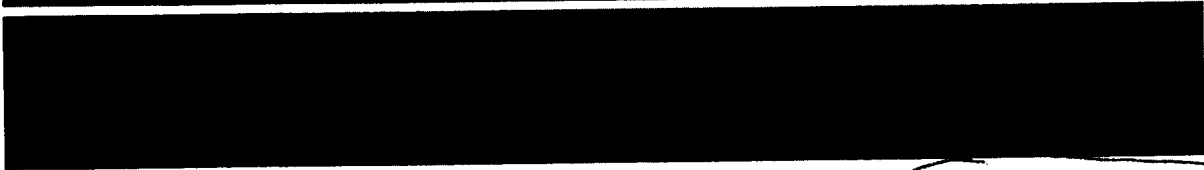
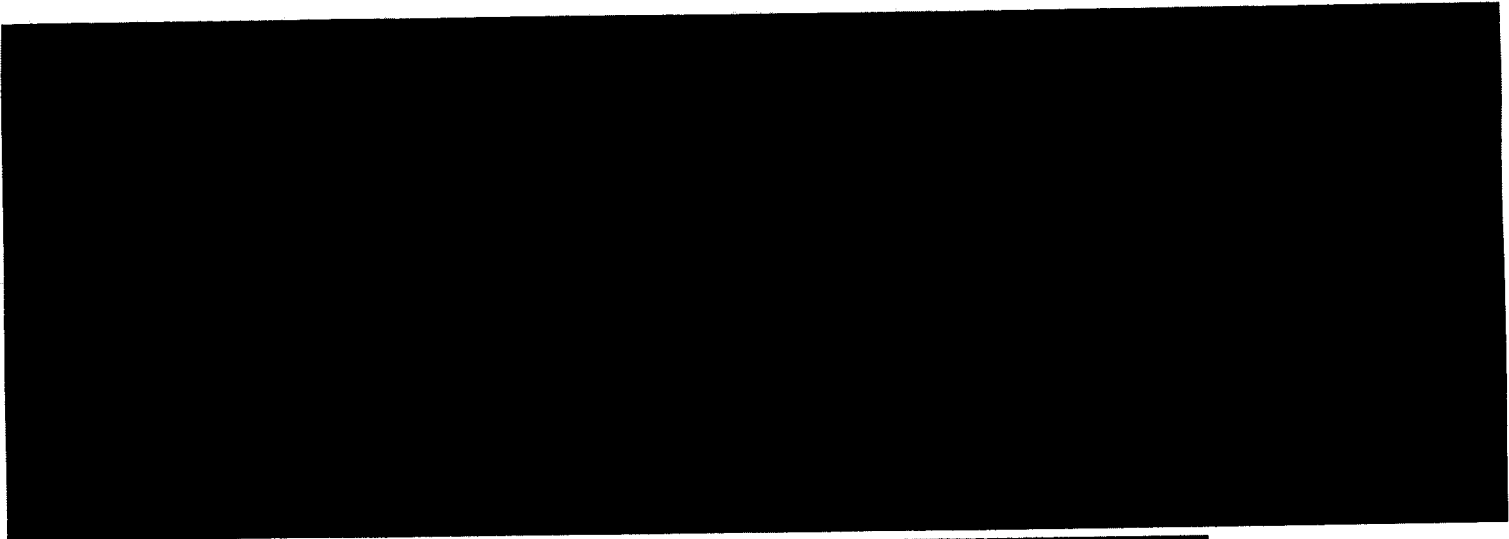
## Invoice Detail

Client      Darling Ingredients Inc.



For professional services rendered and disbursements incurred through March 31, 2015

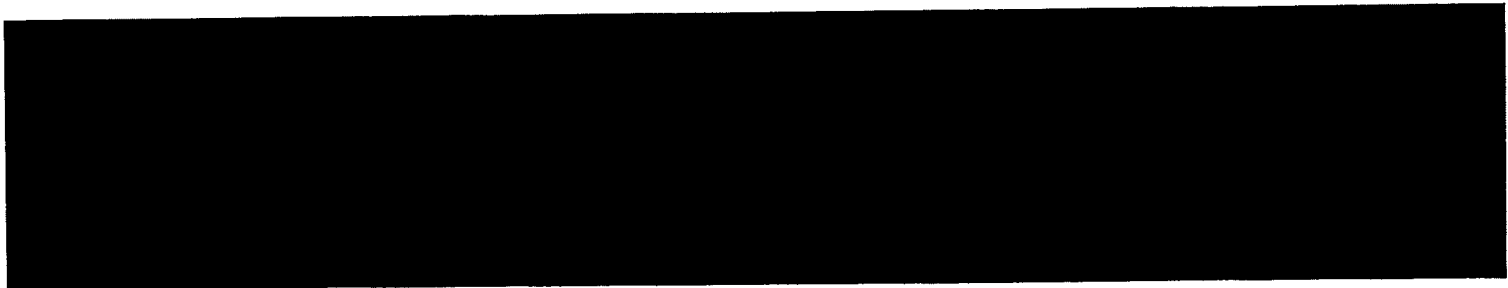




A.R. Wheeler

2.50

1,387.50





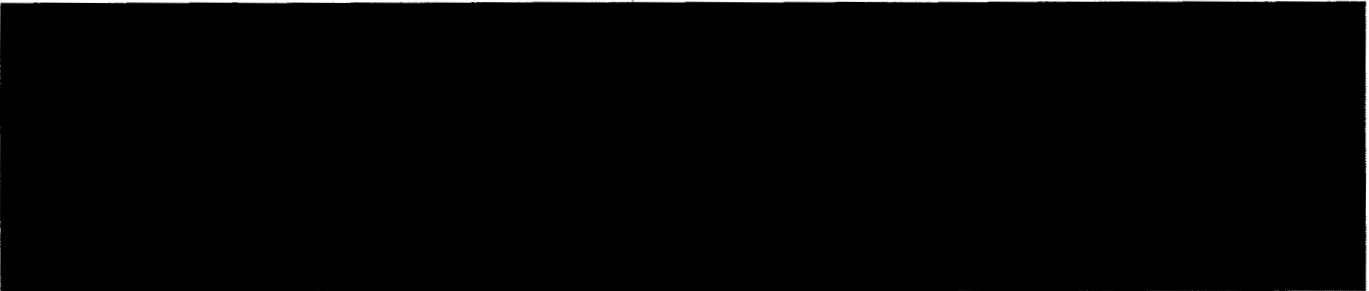


## Invoice Summary


Client Darling Ingredients Inc.



For professional services rendered and disbursements incurred through July 31, 2015



PAID  
SEP 24 2015



[REDACTED]

August 31, 2015

[REDACTED]

**Invoice Detail**

**Client**      Darling Ingredients Inc.

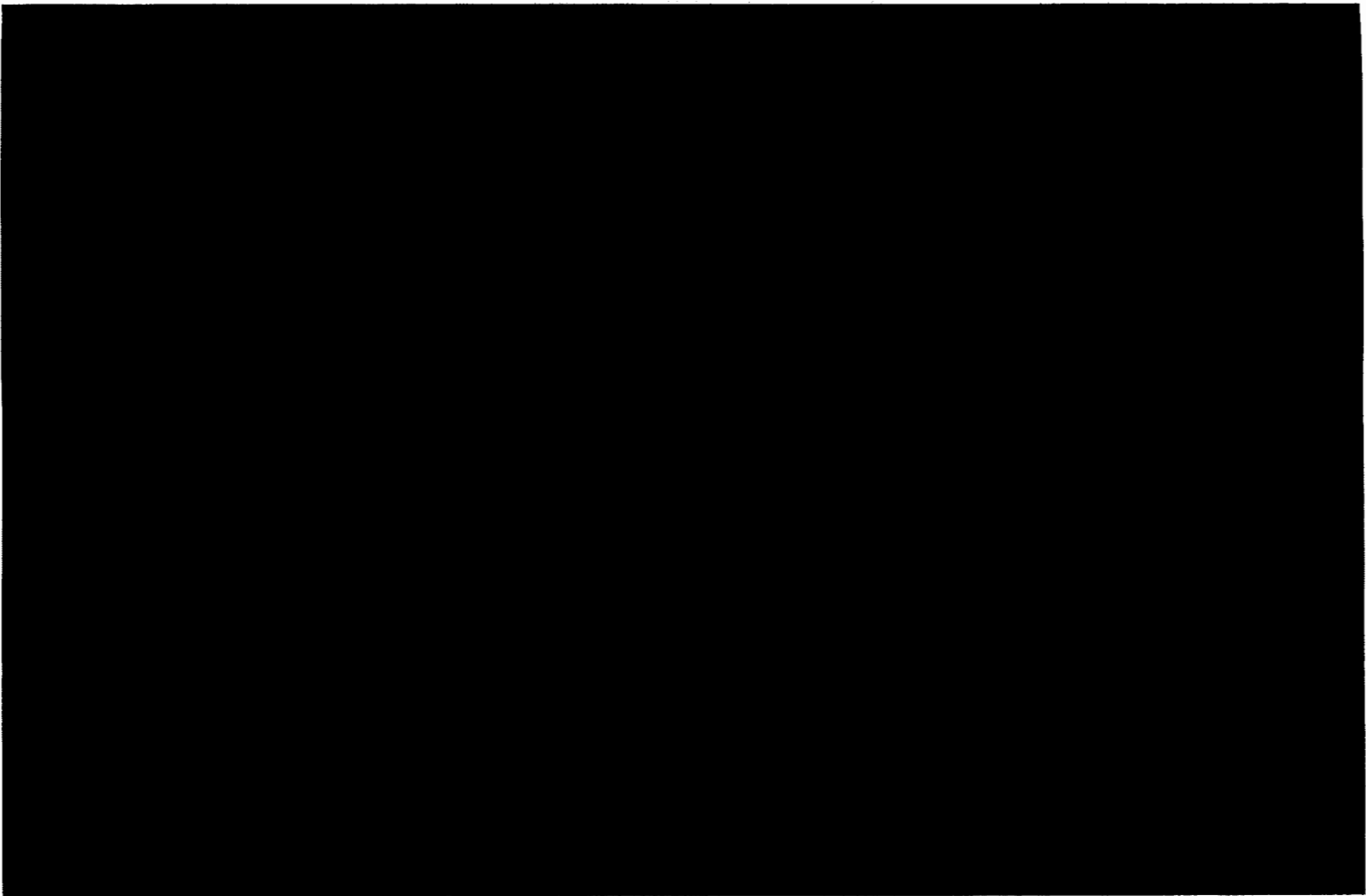
[REDACTED]

For professional services rendered and disbursements incurred through July 31, 2015

[REDACTED]

[REDACTED]

[REDACTED]



**Services Summary by Professional**

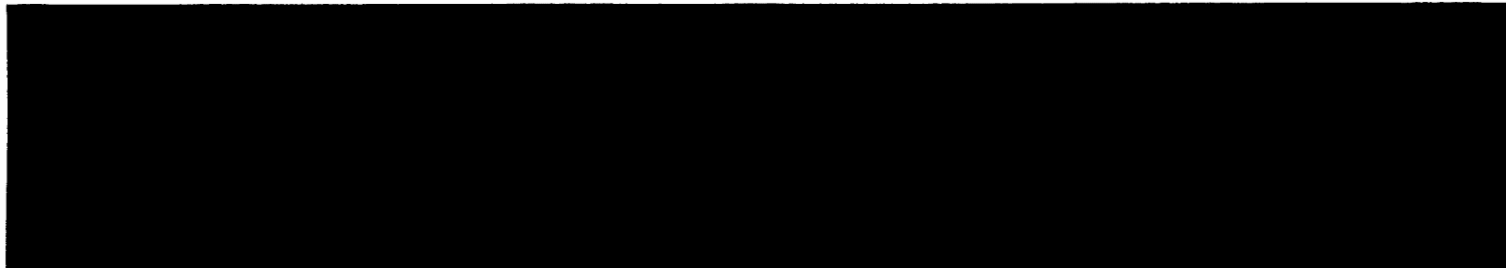
Name	Hours
------	-------

[Redacted Name]	
-----------------	--

A.R. Wheeler

3.50

[Redacted Description]	
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# Congress of the United States

## House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6375  
[www.science.house.gov](http://www.science.house.gov)

April 10, 2019

The Honorable Andrew Wheeler  
Administrator  
Environmental Protection Agency  
1301 Constitution Ave. NW  
Washington, D.C., 20460

Dear Administrator Wheeler,


We are following up on the letter we sent on March 6, 2019 that requested EPA provide all documents prepared or received by EPA officials in relation to the decision to prevent the NASA Atmospheric Tomography mission from participating in post-hurricane response, with a response deadline of March 20, 2019.

EPA provided a response letter on April 5, over two full weeks past the original document request deadline. This letter from the EPA did not provide any responsive documents per our original request letter from March 6, 2019. The Committee does not consider the original request from March 6 to be complete. The Texas Commission on Environmental Quality and the National Aeronautics and Space Administration, who both received virtually identical letters on March 6, have both provided responsive documents to the Committee.

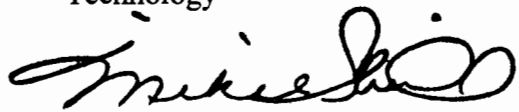
The letter we sent on March 6, 2019 expressing our concerns and detailing our document request is attached. Please provide the responsive documents by close of business on Friday, April 12. If you have any questions about this request, please feel free to contact John Piazza, Chief Counsel for the Committee at (202) 225-6375.

Thank you for your attention to this matter.

Sincerely,

  
EDDIE BERNICE JOHNSON  
Chairwoman  
Committee on Science, Space, and  
Technology

  
LIZZIE FLETCHER  
Chair  
Subcommittee on Environment

  
MIKIE SHERRILL  
Chairwoman  
Subcommittee on Investigations and  
Oversight

Cc:  
The Honorable Frank Lucas  
Ranking Member  
Committee on Science, Space and Technology

# Congress of the United States

## House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6375

[www.science.house.gov](http://www.science.house.gov)

March 6, 2019

The Honorable Andrew Wheeler  
Administrator  
Environmental Protection Agency  
1301 Constitution Ave. NW  
Washington, D.C., 20460

Dear Administrator Wheeler,

We are deeply concerned about a recent report from the LA Times concerning the alleged denial of permission for the National Aeronautics and Space Administration (NASA) to overfly the Houston area to collect air quality measurements following the Hurricane Harvey disaster.<sup>1</sup> According to the LA Times, immediately following Hurricane Harvey, NASA suggested that they divert their state of the art flying chemistry laboratory, known as the Atmospheric Tomography Mission<sup>2</sup>, from a planned test run over Oklahoma to sample the air quality over Houston.<sup>3</sup> However,

“The mission never got off the ground. Both the state of Texas and the EPA told the scientists to stay away.

According to emails obtained by The Times via a public records request and interviews with dozens of scientists and officials familiar with the situation, EPA and state officials argued that NASA’s data would cause ‘confusion’ and might ‘overlap’ with their own analysis — which was showing only a few, isolated spots of concern.

‘At this time, we don’t think your data would be useful,’ Michael Honeycutt, Texas’ director of toxicology, wrote to NASA officials, adding that low-flying helicopters equipped with infra-red cameras, contracted by his agency, would be sufficient.

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<sup>1</sup> Susanne Rust and Louis Sahagun, “Post-Hurricane Harvey, NASA tried to fly a pollution-spotting plane over Houston. The EPA said no.” LA Times, March 5, 2019, accessed here:

<http://www.latimes.com/local/california/la-me-nasa-jet-epa-hurricane-harvey-20190305-story.html>

<sup>2</sup> <https://espo.nasa.gov/atom>

<sup>3</sup> LA Times.



EPA deferred to Honeycutt, a controversial toxicologist who has suggested air pollution may be beneficial to human health.”<sup>4</sup>

This is deeply troubling.

Hurricane Harvey was one of the largest disasters the State of Texas has ever faced. Massive flooding and wind damage caused intense suffering for the people of the Houston area. That suffering was apparently compounded by the release of toxic chemicals from the Houston area’s many industrial areas and Superfund sites. As the LA Times article points out,

“When the storm finally moved north and east on Sept. 4, the level of environmental destruction and confusion on the ground was unprecedented.

Smokestacks, pipelines and generators had been damaged or destroyed. Storage tanks filled with toxic chemicals were battered and leaking. Superfund sites were flooded, spilling hazardous waste into nearby rivers, streams and neighborhoods.”<sup>5</sup>

These environmental concerns were widely reported at the time.<sup>6</sup> Concern about air quality was almost immediately raised following the storm.<sup>7</sup> Those concerns appear to have been mostly dismissed by officials at the Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality.

When disaster strikes, the American people rightly expect their government to provide an “all hands on deck” response. When legitimate health concerns are raised, those concerns should be investigated to the fullest extent possible. If the LA Times report is accurate, the State of Texas and the EPA failed in this respect. Instead of gathering the most accurate air quality data possible, State and Federal officials apparently decided they would rather not know about potential toxic chemical releases that could have been impacting our communities and first responders.

If this is true, it is not only an embarrassment, it is unacceptable.

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<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> Darryl Fears and Brady Dennis, “Houston’s polluted Superfund sites threaten to contaminate floodwaters,” Washington Post, (August 29, 2017), accessed here: [https://www.washingtonpost.com/news/energy-environment/wp/2017/08/29/houstons-flood-threatens-to-turn-polluted-superfund-sites-into-a-toxic-gumbo/?utm\\_term=.f6951fc0bd3a](https://www.washingtonpost.com/news/energy-environment/wp/2017/08/29/houstons-flood-threatens-to-turn-polluted-superfund-sites-into-a-toxic-gumbo/?utm_term=.f6951fc0bd3a)

Hiroko Tabuchi and Sheila Kalpan, “A Sea of Health and Environmental Hazards in Houston’s Floodwaters,” New York Times, (August 31, 2017), accessed here: <https://www.nytimes.com/2017/08/31/us/houston-contaminated-floodwaters.html>

<sup>7</sup> Adam Arlington, “Flooded Houston Facing Threat From Air, Too, With Toxic Gas Releases,” BNA, (August 30, 2017), access here (paywall): <https://www.bgov.com/core/news/#!/articles/OVISPY3H0JK3>

In order for us to fully understand the sequence of events which lead to the decision to not collect additional air quality information following Hurricane Harvey, please provide us with the following information by March 20, 2019:

All documents (including, but not limited to, comments, notes, emails, legal and other memoranda, white papers, scientific references, letters, telephone logs, text messages, meeting minutes and calendars, photographs, slides, and presentations) prepared or received by EPA officials in relation to the decision to prevent the NASA Atmospheric Tomography Mission from participating in post-hurricane response. This should include any documents (as defined above) related to the offer, receipt of the offer, and consideration of the offer to divert the mission to Houston. This should also specifically include any deliberations or communications between or among the State of Texas, EPA, and NASA. This request is intended to be comprehensive, and should include any and all documents (as defined above) related to the possible diversion of the Atmospheric Tomography Mission to the Houston area in the aftermath of Hurricane Harvey.

If you have any questions about this request, please feel free to contact John Piazza, Chief Counsel for the Committee at (202)225-6375.

Thank you for your attention to this matter.

Sincerely,



EDDIE BERNICE JOHNSON

Chairwoman

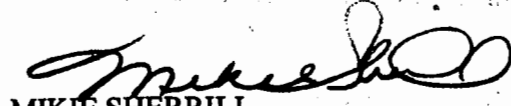
Committee on Science, Space, and Technology



LIZZIE FLETCHER

Chair

Subcommittee on the Environment



MIKIE SHERRILL

Chairwoman

Subcommittee on Investigations and Oversight

Cc:

The Honorable Frank Lucas

Ranking Member

Committee on Science, Space, and Technology

VICKY HARTZLER  
4TH DISTRICT, MISSOURI

COMMITTEE ON ARMED SERVICES

RANKING MEMBER, SUBCOMMITTEE ON  
TACTICAL AIR AND LAND FORCES

COMMITTEE ON AGRICULTURE

[WWW.HARTZLER.HOUSE.GOV](http://WWW.HARTZLER.HOUSE.GOV)



**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-2504

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HARRISONVILLE, MO 64701  
(816) 884-3411

219 NORTH ADAMS AVENUE  
LEBANON, MO 65536  
(417) 532-5582

April 29, 2019

The Honorable Andrew Wheeler  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20004

Dear Administrator Wheeler:

I'm writing to request you not grant anymore Small Refinery Exemptions (SRE) under the Renewable Fuel Standard (RFS) for large or unqualified refiners. At a time when farmers are facing uncertainty in international markets, domestic market opportunities should hold strong for our producers, not undermine them.

Many of my constituents have expressed concerns over this process as the number of approved SRE requests have reached a total of 54 since 2016. Requests for 2018 drastically exceed that of prior years and with no denials since 2015, I am concerned this trend will continue without proper justification or obvious consideration of the Department of Energy's recommendations.

According to the U.S. Department of Energy, Missouri has the potential to become a national leader in biofuels, while simultaneously impacting the economy, supporting local jobs, giving consumers choices at the pump, reducing environmental impacts and supporting the agriculture industry. Improperly granting SREs undercuts this growth by eliminating almost one billion bushels of domestic corn demand and removes 2.6 billion gallons of renewable fuel blending from the market. This impact is solely from the exemptions granted through 2017 and does not take into account the devastation that would be caused by additional improper exemptions.

Overall, as the country continues to lead the way in biofuel production, we increase our energy independence and provide consumers with reliable and affordable options. With this being a priority of the President, I believe agencies should be supporting industries in this endeavor.

I strongly request the EPA stop granting improper SRE requests, redistribute the gallons waived in previous years and increase the transparency of this process by allowing basic information of applicants to be made public. Thank you for your time and consideration and I stand ready to assist moving forward.

Sincerely,

Vicky Hartzler  
Member of Congress

# Congress of the United States

Washington, DC 20510

April 29, 2019

The Honorable Jayne Harkins  
Commissioner  
International Boundary and Water Commission  
4171 North Mesa Street  
El Paso, TX 79902

The Honorable Andrew Wheeler  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue N.W.  
Washington, DC 20004

The Honorable R. D. James  
Assistant Secretary of the Army (Civil Works)  
108 Army Pentagon  
Washington, DC 20310

The Honorable Michael R. Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street N.W.  
Washington, DC 20520

The Honorable Kevin K. McAleenan  
Commissioner  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue  
Washington, DC 20229

Dear Commissioner Harkins, Administrator Wheeler, Assistant Secretary James,  
Secretary Pompeo, and Commissioner McAleenan,

We are writing to request that your respective departments work together to provide rapid assistance and mitigate the serious environmental and public health concerns resulting from the ongoing pollution crisis along the US-Mexico border. Over the past couple of months, the region has experienced several cross-boundary flows, totaling millions of gallons of treated and untreated wastewater flowing into the United States and affecting our constituents.



The rupture of the Colector Poniente sewage collector in Tijuana, Mexico is an immediate example of the kinds of pollution issues that communities along the California-Mexico border face every day. On December 10th, 2018, a ruptured collector pipe in southeast Tijuana began discharging an estimated six to seven million gallons of raw sewage per day into the Tijuana River. As a result of the sewage spill, communities along the river and downstream in places like Imperial Beach, California risk dangerous exposure to a variety of bacteria present in raw sewage. This can include E.coli and salmonella, as well as parasites and viruses that can lead to respiratory infections or meningitis, among other dangerous health conditions.<sup>1</sup> The area continues to face risks from exposure to raw sewage like that released by the Colector Poinente even though months have passed, resulting in almost 30 days of Imperial Beach closures already this year.<sup>2</sup>

Last December's spill provides a timely reminder of the ways in which communities in Southern California and Northern Mexico are impacted by transboundary pollution. However, it is only one recent example of the dire environmental conditions vulnerable populations along the border experience. Further east along the border, the sewage, harmful chemicals, and heavy metals present in the New River can cause rashes and stomach illnesses for individuals who directly contact its waters.<sup>3</sup> Air pollution resulting from agricultural burns, diesel fumes, a shrinking Salton Sea<sup>4</sup> and other sources<sup>5</sup> emanates throughout the Imperial Valley and contributes to high rates of asthma, chronic obstructive pulmonary disease (COPD), heart disease, and stroke.<sup>6</sup> Additionally, transboundary pollution poses health and safety risks to dedicated U.S. Customs and Border Protection (CBP) agents who operate in the area to help keep all Americans safe. These agents must work in areas that their own reporting concludes has a consistently strong presence of E. coli, enterococcus, and other organisms typically found in untreated sewage.<sup>7</sup>

These alarming conditions exist even as the U.S. government has collaborated on promising programs like the U.S.-Mexico Border Water Infrastructure Grant program, administered through the EPA. This program has helped to improve the quality of surface and groundwater along the border through investments in wastewater collection and treatment services, but its scope and funding levels cannot alone address all aspects of the

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<sup>1</sup> <https://www.sandiegouniontribune.com/news/environment/sd-me-mexico-sewage-tijuana-river-20181212-story.html>

<sup>2</sup> <https://fox5sandiego.com/2019/03/07/imperial-beach-holds-meeting-on-border-sewage-spills/>

<sup>3</sup> <https://www.desertsun.com/in-depth/news/environment/border-pollution/poisoned-cities/2018/12/05/toxic-new-river-long-neglect-mexico-border-calexico-mexicali/1381599002/>

<sup>4</sup> <https://www.usatoday.com/pages/interactives/salton-sea/toxic-dust-and-asthma-plague-salton-sea-communities/>

<sup>5</sup> <https://www.niehs.nih.gov/research/supported/translational/community/imperial/index.cfm>

<sup>6</sup> <https://www.desertsun.com/in-depth/news/environment/border-pollution/poisoned-cities/2018/12/05/air-pollution-taking-deadly-toll-u-s-mexico-border/1381585002/>

<sup>7</sup> [https://www.cbp.gov/sites/default/files/assets/documents/2019-](https://www.cbp.gov/sites/default/files/assets/documents/2019-Feb/TJ%20Sampling%20Analysis%206%20Month%20Effort%20Draft.pdf)

[Feb/TJ%20Sampling%20Analysis%206%20Month%20Effort%20Draft.pdf](https://www.cbp.gov/sites/default/files/assets/documents/2019-Feb/TJ%20Sampling%20Analysis%206%20Month%20Effort%20Draft.pdf)



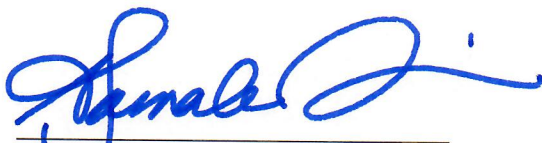
problem. Reports of air quality monitors not being maintained<sup>8</sup> and repairs to critical infrastructure being mismanaged<sup>9</sup> stymie real progress towards remediating environmental conditions in vulnerable communities along the border. The results can be deadly, particularly to those who most need protection from environmental stresses, especially children and the elderly.<sup>10</sup>

It is critical that your agencies work together to develop a comprehensive plan to address the ongoing pollution issues along the border in Southern California. We urge you to improve monitoring of air and water quality in southern San Diego and Imperial counties, aggressively mitigate impacts of air and water pollution, and encourage activities that cut down on sources of pollution. In the meantime, we ask your agencies to provide answers to the following questions:

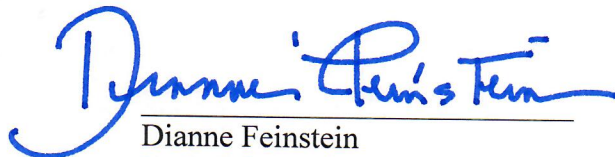
1. What is the current status of repairs to the Colector Poniente? What have your agencies done to protect against subsequent future accidents?
2. What actions are currently underway to mitigate impacts of transboundary pollution issues facing vulnerable populations along the border?
3. How many transboundary flows have occurred in 2019? What are the dates and causes of these flows?
4. What specific guidance is being provided to maintain the safety of CBP agents who are exposed to high levels of pollutants along the border?
5. What are the primary challenges your departments face to resolving this longstanding environmental and public health crisis?
6. How are your agencies working together on these critical issues?

We look forward to your quick response to our questions above. Thank you for your attention to this serious and challenging public and environmental health issue.

Sincerely,



Kamala D. Harris  
United States Senator



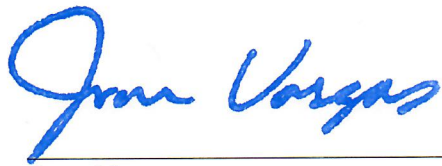
Dianne Feinstein  
United States Senator

<sup>8</sup> <https://www.desertsun.com/in-depth/news/environment/border-pollution/poisoned-cities/2018/12/05/air-pollution-taking-deadly-toll-u-s-mexico-border/1381585002/>

<sup>9</sup> <https://www.sandiegouniontribune.com/news/border-baja-california/sd-me-border-sewage-20170310-story.html>

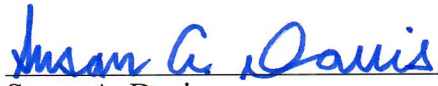
<sup>10</sup> [https://www.epa.gov/sites/production/files/2015-10/documents/cehtp\\_border\\_report\\_final\\_aug2015.pdf](https://www.epa.gov/sites/production/files/2015-10/documents/cehtp_border_report_final_aug2015.pdf)





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Juan Vargas  
Member of Congress



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Susan A. Davis  
Member of Congress



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Mike Levin  
Member of Congress



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Scott H. Peters  
Member of Congress



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 9, 2019

OFFICE OF  
AIR AND RADIATION

The Honorable Daniel W. Lipinski  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Lipinski:

Thank you for your November 13, 2018, January 25, 2019, February 25, 2019, and March 29, 2019, letters to the U.S. Environmental Protection Agency (EPA) regarding ethylene oxide emissions. The Administrator asked me to respond to you on his behalf.

EPA is taking a two-pronged approach to address emissions of ethylene oxide in Willowbrook, Illinois and around the country, and is committed to providing information to the public throughout the process. First, EPA is reviewing and updating Clean Air Act regulations for facilities that emit ethylene oxide. Several existing rules issued under the Clean Air Act Section 112 cover sources associated with ethylene oxide emissions. Regulatory processes are already underway for many of these rules. For example, EPA is currently reviewing its rule for the Miscellaneous Organic Chemical Manufacturing source category. The agency anticipates proposing necessary revisions to that rule by mid-2019, reviewing public comments submitted on that proposal, and finalizing the rule revisions in March 2020. Simultaneously, EPA is reviewing other rules associated with emissions of ethylene oxide, including commercial sterilizers, such as Sterigenics. We anticipate proposing necessary revisions for the commercial sterilizer rule in mid-2019 and will release schedules for other rules as they are determined. Second, EPA is gathering additional information on ethylene oxide emissions to both help EPA as it evaluates opportunities to reduce ethylene oxide emissions as part of its regulations review, and help the agency determine whether more immediate emission reduction steps are necessary in particular locations.

As part of our work under the second prong of the approach for the Sterigenics Willowbrook facility, we are developing a better understanding of the emissions from the facility and will use that information to conduct a risk assessment for the Willowbrook area. In addition, EPA has read the Illinois Department of Public Health (IDPH) assessment of cancer incidence in the population and agrees with IDPH that further assessment is needed. EPA is proceeding with its risk assessment, which will estimate future cancer risk due to the Sterigenics Willowbrook facility's ethylene oxide emissions and will help inform decisions about further actions needed to protect public health in this community. This assessment will be more refined than either EPA's National Air Toxics Assessment or the Agency for Toxic Substances and Disease Registry's analysis. Specifically, it will be the type of risk assessment EPA conducts when determining

whether to update industrial source sector regulations to improve public health protection. EPA has begun work on its risk assessment for the Willowbrook area, which the Agency expects to complete later this Spring.

To help inform this particular risk assessment, EPA prepared and followed a monitoring plan to measure the ambient concentrations of ethylene oxide in the commercial and residential areas surrounding the Sterigenics facility in Willowbrook. This plan was developed with input from community leaders and based on air dispersion modeling using results of stack tests conducted at the Sterigenics facility in Willowbrook in September 2018 and subsequent technical analysis. Based on feedback from the community, EPA began monitoring in Willowbrook in November 2018, seeking 3 months of air quality monitoring data. Monitoring continued during the partial government shutdown. After 4 ½ months of testing the community's air for ethylene oxide, EPA paused air quality monitoring in Willowbrook at the end of March 2019, well after the facility ceased operations. The Agency is evaluating options – including whether to resume monitoring – if conditions in the community change.

As EPA has reviewed the monitoring data, we have been posting it and associated information to our dedicated website at: <https://www.epa.gov/il/sterigenics-willowbrook-facility-documents>. EPA will post results of the March air quality sampling after quality assurance is complete and will hold a public webinar to review the results. Please continue to check this website for additional information as it becomes available.

EPA and the Illinois Environmental Protection Agency are coordinating with the facilities in Lake County, Illinois, to achieve additional emission reductions. The Agencies are also using a variety of tools, such as air dispersion modeling, to better characterize potential risks near the Lake County facilities, as well as other facilities and areas that NATA, which is EPA's screening tool, identified as potentially having elevated risks. EPA is not conducting ambient monitoring in Lake County; however, the Agency is coordinating with the Lake County Health Department on the testing they are planning and is providing technical assistance.

EPA will continue to coordinate closely with state and local air agencies, and across EPA offices, as we continue to work to address ethylene oxide and protect public health across the United States.

If you have additional questions, please contact me or your staff may contact Matthew Davis in the Office of Congressional Affairs at (202) 564-1267 or [davis.matthew@epa.gov](mailto:davis.matthew@epa.gov). I appreciate the opportunity to be of service and trust the information provided is helpful.

Sincerely,

A handwritten signature in dark ink, appearing to read 'W L Wehrum', with a long, sweeping horizontal line extending to the right.

William L. Wehrum  
Assistant Administrator





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 9, 2019

OFFICE OF  
AIR AND RADIATION

The Honorable Sean Casten  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Casten:

Thank you for your January 25, 2019, and March 29, 2019, letters to the U.S. Environmental Protection Agency (EPA) regarding ethylene oxide emissions. The Administrator asked me to respond to you on his behalf.

EPA is taking a two-pronged approach to address emissions of ethylene oxide in Willowbrook, Illinois and around the country, and is committed to providing information to the public throughout the process. First, EPA is reviewing and updating Clean Air Act regulations for facilities that emit ethylene oxide. Several existing rules issued under the Clean Air Act Section 112 cover sources associated with ethylene oxide emissions. Regulatory processes are already underway for many of these rules. For example, EPA is currently reviewing its rule for the Miscellaneous Organic Chemical Manufacturing source category. The agency anticipates proposing necessary revisions to that rule by mid-2019, reviewing public comments submitted on that proposal, and finalizing the rule revisions in March 2020. Simultaneously, EPA is reviewing other rules associated with emissions of ethylene oxide, including commercial sterilizers, such as Sterigenics. We anticipate proposing necessary revisions for the commercial sterilizer rule in mid-2019 and will release schedules for other rules as they are determined. Second, EPA is gathering additional information on ethylene oxide emissions to both help EPA as it evaluates opportunities to reduce ethylene oxide emissions as part of its regulations review, and help the agency determine whether more immediate emission reduction steps are necessary in particular locations.

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EPA will continue to coordinate closely with state and local air agencies, and across EPA offices, as we continue to work to address ethylene oxide and protect public health across the United States.

If you have additional questions, please contact me or your staff may contact Matthew Davis in the Office of Congressional Affairs at (202) 564-1267 or [davis.matthew@epa.gov](mailto:davis.matthew@epa.gov). I appreciate the opportunity to be of service and trust the information provided is helpful.

Sincerely,

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William L. Wehrum  
Assistant Administrator





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 9, 2019

OFFICE OF  
AIR AND RADIATION

The Honorable Bill Foster  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Foster:

Thank you for your January 25, 2019, and March 29, 2019, letters to the U.S. Environmental Protection Agency (EPA) regarding ethylene oxide emissions. The Administrator asked me to respond to you on his behalf.

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If you have additional questions, please contact me or your staff may contact Matthew Davis in the Office of Congressional Affairs at (202) 564-1267 or [davis.matthew@epa.gov](mailto:davis.matthew@epa.gov). I appreciate the opportunity to be of service and trust the information provided is helpful.

Sincerely,

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William L. Wehrum  
Assistant Administrator



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 9, 2019

OFFICE OF  
AIR AND RADIATION

The Honorable Bradley S. Schneider  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Schneider:

Thank you for your January 25, 2019, February 15, 2019, and March 29, 2019, letters to the U.S. Environmental Protection Agency (EPA) regarding ethylene oxide emissions. The Administrator asked me to respond to you on his behalf.

EPA is taking a two-pronged approach to address emissions of ethylene oxide in Willowbrook, Illinois and around the country, and is committed to providing information to the public throughout the process. First, EPA is reviewing and updating Clean Air Act regulations for facilities that emit ethylene oxide. Several existing rules issued under the Clean Air Act Section 112 cover sources associated with ethylene oxide emissions. Regulatory processes are already underway for many of these rules. For example, EPA is currently reviewing its rule for the Miscellaneous Organic Chemical Manufacturing source category. The agency anticipates proposing necessary revisions to that rule by mid-2019, reviewing public comments submitted on that proposal, and finalizing the rule revisions in March 2020. Simultaneously, EPA is reviewing other rules associated with emissions of ethylene oxide, including commercial sterilizers, such as Sterigenics. We anticipate proposing necessary revisions for the commercial sterilizer rule in mid-2019 and will release schedules for other rules as they are determined. Second, EPA is gathering additional information on ethylene oxide emissions to both help EPA as it evaluates opportunities to reduce ethylene oxide emissions as part of its regulations review, and help the agency determine whether more immediate emission reduction steps are necessary in particular locations.

As part of our work under the second prong of the approach for the Sterigenics Willowbrook facility, we are developing a better understanding of the emissions from the facility and will use that information to conduct a risk assessment for the Willowbrook area. In addition, EPA has read the Illinois Department of Public Health (IDPH) assessment of cancer incidence in the population and agrees with IDPH that further assessment is needed. EPA is proceeding with its risk assessment, which will estimate future cancer risk due to the Sterigenics Willowbrook facility's ethylene oxide emissions and will help inform decisions about further actions needed to protect public health in this community. This assessment will be more refined than either EPA's National Air Toxics Assessment or the Agency for Toxic Substances and Disease Registry's analysis. Specifically, it will be the type of risk assessment EPA conducts when determining



whether to update industrial source sector regulations to improve public health protection. EPA has begun work on its risk assessment for the Willowbrook area, which the Agency expects to complete later this Spring.

To help inform this particular risk assessment, EPA prepared and followed a monitoring plan to measure the ambient concentrations of ethylene oxide in the commercial and residential areas surrounding the Sterigenics facility in Willowbrook. This plan was developed with input from community leaders and based on air dispersion modeling using results of stack tests conducted at the Sterigenics facility in Willowbrook in September 2018 and subsequent technical analysis. Based on feedback from the community, EPA began monitoring in Willowbrook in November 2018, seeking 3 months of air quality monitoring data. Monitoring continued during the partial government shutdown. After 4 ½ months of testing the community's air for ethylene oxide, EPA paused air quality monitoring in Willowbrook at the end of March 2019, well after the facility ceased operations. The Agency is evaluating options – including whether to resume monitoring – if conditions in the community change.

As EPA has reviewed the monitoring data, we have been posting it and associated information to our dedicated website at: <https://www.epa.gov/il/sterigenics-willowbrook-facility-documents>. EPA will post results of the March air quality sampling after quality assurance is complete and will hold a public webinar to review the results. Please continue to check this website for additional information as it becomes available.

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EPA will continue to coordinate closely with state and local air agencies, and across EPA offices, as we continue to work to address ethylene oxide and protect public health across the United States.

If you have additional questions, please contact me or your staff may contact Matthew Davis in the Office of Congressional Affairs at (202) 564-1267 or [davis.matthew@epa.gov](mailto:davis.matthew@epa.gov). I appreciate the opportunity to be of service and trust the information provided is helpful.

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William L. Wehrum  
Assistant Administrator



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 9, 2019

OFFICE OF  
AIR AND RADIATION

The Honorable Tammy Duckworth  
United States Senate  
Washington, D.C. 20510

Dear Senator Duckworth:

Thank you for your January 25, 2019, February 15, 2019, and March 29, 2019, letters to the U.S. Environmental Protection Agency (EPA) regarding ethylene oxide emissions. The Administrator asked me to respond to you on his behalf.

EPA is taking a two-pronged approach to address emissions of ethylene oxide in Willowbrook, Illinois and around the country, and is committed to providing information to the public throughout the process. First, EPA is reviewing and updating Clean Air Act regulations for facilities that emit ethylene oxide. Several existing rules issued under the Clean Air Act Section 112 cover sources associated with ethylene oxide emissions. Regulatory processes are already underway for many of these rules. For example, EPA is currently reviewing its rule for the Miscellaneous Organic Chemical Manufacturing source category. The agency anticipates proposing necessary revisions to that rule by mid-2019, reviewing public comments submitted on that proposal, and finalizing the rule revisions in March 2020. Simultaneously, EPA is reviewing other rules associated with emissions of ethylene oxide, including commercial sterilizers, such as Sterigenics. We anticipate proposing necessary revisions for the commercial sterilizer rule in mid-2019 and will release schedules for other rules as they are determined. Second, EPA is gathering additional information on ethylene oxide emissions to both help EPA as it evaluates opportunities to reduce ethylene oxide emissions as part of its regulations review, and help the agency determine whether more immediate emission reduction steps are necessary in particular locations.

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EPA will continue to coordinate closely with state and local air agencies, and across EPA offices, as we continue to work to address ethylene oxide and protect public health across the United States.

If you have additional questions, please contact me or your staff may contact Matthew Davis in the Office of Congressional Affairs at (202) 564-1267 or [davis.matthew@epa.gov](mailto:davis.matthew@epa.gov). I appreciate the opportunity to be of service and trust the information provided is helpful.

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William L. Wehrum  
Assistant Administrator





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 9, 2019

OFFICE OF  
AIR AND RADIATION

The Honorable Richard J. Durbin  
United States Senate  
Washington, D.C. 20510

Dear Senator Durbin:

Thank you for your January 25, 2019, February 15, 2019, and March 29, 2019, letters to the U.S. Environmental Protection Agency (EPA) regarding ethylene oxide emissions. The Administrator asked me to respond to you on his behalf.

EPA is taking a two-pronged approach to address emissions of ethylene oxide in Willowbrook, Illinois and around the country, and is committed to providing information to the public throughout the process. First, EPA is reviewing and updating Clean Air Act regulations for facilities that emit ethylene oxide. Several existing rules issued under the Clean Air Act Section 112 cover sources associated with ethylene oxide emissions. Regulatory processes are already underway for many of these rules. For example, EPA is currently reviewing its rule for the Miscellaneous Organic Chemical Manufacturing source category. The agency anticipates proposing necessary revisions to that rule by mid-2019, reviewing public comments submitted on that proposal, and finalizing the rule revisions in March 2020. Simultaneously, EPA is reviewing other rules associated with emissions of ethylene oxide, including commercial sterilizers, such as Sterigenics. We anticipate proposing necessary revisions for the commercial sterilizer rule in mid-2019 and will release schedules for other rules as they are determined. Second, EPA is gathering additional information on ethylene oxide emissions to both help EPA as it evaluates opportunities to reduce ethylene oxide emissions as part of its regulations review, and help the agency determine whether more immediate emission reduction steps are necessary in particular locations.

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If you have additional questions, please contact me or your staff may contact Matthew Davis in the Office of Congressional Affairs at (202) 564-1267 or [davis.matthew@epa.gov](mailto:davis.matthew@epa.gov). I appreciate the opportunity to be of service and trust the information provided is helpful.

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William L. Wehrum  
Assistant Administrator





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 9, 2019

OFFICE OF  
AIR AND RADIATION

The Honorable Lauren Underwood  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congresswoman Underwood:

Thank you for your February 15, 2019, and March 29, 2019, letters to the U.S. Environmental Protection Agency (EPA) regarding ethylene oxide emissions. The Administrator asked me to respond to you on his behalf.

EPA is taking a two-pronged approach to address emissions of ethylene oxide in Willowbrook, Illinois and around the country, and is committed to providing information to the public throughout the process. First, EPA is reviewing and updating Clean Air Act regulations for facilities that emit ethylene oxide. Several existing rules issued under the Clean Air Act Section 112 cover sources associated with ethylene oxide emissions. Regulatory processes are already underway for many of these rules. For example, EPA is currently reviewing its rule for the Miscellaneous Organic Chemical Manufacturing source category. The agency anticipates proposing necessary revisions to that rule by mid-2019, reviewing public comments submitted on that proposal, and finalizing the rule revisions in March 2020. Simultaneously, EPA is reviewing other rules associated with emissions of ethylene oxide, including commercial sterilizers, such as Sterigenics. We anticipate proposing necessary revisions for the commercial sterilizer rule in mid-2019 and will release schedules for other rules as they are determined. Second, EPA is gathering additional information on ethylene oxide emissions to both help EPA as it evaluates opportunities to reduce ethylene oxide emissions as part of its regulations review, and help the agency determine whether more immediate emission reduction steps are necessary in particular locations.

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EPA will continue to coordinate closely with state and local air agencies, and across EPA offices, as we continue to work to address ethylene oxide and protect public health across the United States.

If you have additional questions, please contact me or your staff may contact Matthew Davis in the Office of Congressional Affairs at (202) 564-1267 or [davis.matthew@epa.gov](mailto:davis.matthew@epa.gov). I appreciate the opportunity to be of service and trust the information provided is helpful.

Sincerely,

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William L. Wehrum  
Assistant Administrator





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 9, 2019

OFFICE OF  
AIR AND RADIATION

The Honorable Daniel W. Lipinski  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Lipinski:

Thank you for your November 13, 2018, January 25, 2019, February 25, 2019, and March 29, 2019, letters to the U.S. Environmental Protection Agency (EPA) regarding ethylene oxide emissions. The Administrator asked me to respond to you on his behalf.

EPA is taking a two-pronged approach to address emissions of ethylene oxide in Willowbrook, Illinois and around the country, and is committed to providing information to the public throughout the process. First, EPA is reviewing and updating Clean Air Act regulations for facilities that emit ethylene oxide. Several existing rules issued under the Clean Air Act Section 112 cover sources associated with ethylene oxide emissions. Regulatory processes are already underway for many of these rules. For example, EPA is currently reviewing its rule for the Miscellaneous Organic Chemical Manufacturing source category. The agency anticipates proposing necessary revisions to that rule by mid-2019, reviewing public comments submitted on that proposal, and finalizing the rule revisions in March 2020. Simultaneously, EPA is reviewing other rules associated with emissions of ethylene oxide, including commercial sterilizers, such as Sterigenics. We anticipate proposing necessary revisions for the commercial sterilizer rule in mid-2019 and will release schedules for other rules as they are determined. Second, EPA is gathering additional information on ethylene oxide emissions to both help EPA as it evaluates opportunities to reduce ethylene oxide emissions as part of its regulations review, and help the agency determine whether more immediate emission reduction steps are necessary in particular locations.

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William L. Wehrum  
Assistant Administrator



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 9, 2019

OFFICE OF  
AIR AND RADIATION

The Honorable Sean Casten  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Casten:

Thank you for your January 25, 2019, and March 29, 2019, letters to the U.S. Environmental Protection Agency (EPA) regarding ethylene oxide emissions. The Administrator asked me to respond to you on his behalf.

EPA is taking a two-pronged approach to address emissions of ethylene oxide in Willowbrook, Illinois and around the country, and is committed to providing information to the public throughout the process. First, EPA is reviewing and updating Clean Air Act regulations for facilities that emit ethylene oxide. Several existing rules issued under the Clean Air Act Section 112 cover sources associated with ethylene oxide emissions. Regulatory processes are already underway for many of these rules. For example, EPA is currently reviewing its rule for the Miscellaneous Organic Chemical Manufacturing source category. The agency anticipates proposing necessary revisions to that rule by mid-2019, reviewing public comments submitted on that proposal, and finalizing the rule revisions in March 2020. Simultaneously, EPA is reviewing other rules associated with emissions of ethylene oxide, including commercial sterilizers, such as Sterigenics. We anticipate proposing necessary revisions for the commercial sterilizer rule in mid-2019 and will release schedules for other rules as they are determined. Second, EPA is gathering additional information on ethylene oxide emissions to both help EPA as it evaluates opportunities to reduce ethylene oxide emissions as part of its regulations review, and help the agency determine whether more immediate emission reduction steps are necessary in particular locations.

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William L. Wehrum  
Assistant Administrator



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 9, 2019

OFFICE OF  
AIR AND RADIATION

The Honorable Bill Foster  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Foster:

Thank you for your January 25, 2019, and March 29, 2019, letters to the U.S. Environmental Protection Agency (EPA) regarding ethylene oxide emissions. The Administrator asked me to respond to you on his behalf.

EPA is taking a two-pronged approach to address emissions of ethylene oxide in Willowbrook, Illinois and around the country, and is committed to providing information to the public throughout the process. First, EPA is reviewing and updating Clean Air Act regulations for facilities that emit ethylene oxide. Several existing rules issued under the Clean Air Act Section 112 cover sources associated with ethylene oxide emissions. Regulatory processes are already underway for many of these rules. For example, EPA is currently reviewing its rule for the Miscellaneous Organic Chemical Manufacturing source category. The agency anticipates proposing necessary revisions to that rule by mid-2019, reviewing public comments submitted on that proposal, and finalizing the rule revisions in March 2020. Simultaneously, EPA is reviewing other rules associated with emissions of ethylene oxide, including commercial sterilizers, such as Sterigenics. We anticipate proposing necessary revisions for the commercial sterilizer rule in mid-2019 and will release schedules for other rules as they are determined. Second, EPA is gathering additional information on ethylene oxide emissions to both help EPA as it evaluates opportunities to reduce ethylene oxide emissions as part of its regulations review, and help the agency determine whether more immediate emission reduction steps are necessary in particular locations.

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EPA will continue to coordinate closely with state and local air agencies, and across EPA offices, as we continue to work to address ethylene oxide and protect public health across the United States.

If you have additional questions, please contact me or your staff may contact Matthew Davis in the Office of Congressional Affairs at (202) 564-1267 or [davis.matthew@epa.gov](mailto:davis.matthew@epa.gov). I appreciate the opportunity to be of service and trust the information provided is helpful.

Sincerely,

A handwritten signature in dark ink, appearing to read 'W L Wehrum', with a long, sweeping horizontal stroke at the end.

William L. Wehrum  
Assistant Administrator





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 9, 2019

OFFICE OF  
AIR AND RADIATION

The Honorable Bradley S. Schneider  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Schneider:

Thank you for your January 25, 2019, February 15, 2019, and March 29, 2019, letters to the U.S. Environmental Protection Agency (EPA) regarding ethylene oxide emissions. The Administrator asked me to respond to you on his behalf.

EPA is taking a two-pronged approach to address emissions of ethylene oxide in Willowbrook, Illinois and around the country, and is committed to providing information to the public throughout the process. First, EPA is reviewing and updating Clean Air Act regulations for facilities that emit ethylene oxide. Several existing rules issued under the Clean Air Act Section 112 cover sources associated with ethylene oxide emissions. Regulatory processes are already underway for many of these rules. For example, EPA is currently reviewing its rule for the Miscellaneous Organic Chemical Manufacturing source category. The agency anticipates proposing necessary revisions to that rule by mid-2019, reviewing public comments submitted on that proposal, and finalizing the rule revisions in March 2020. Simultaneously, EPA is reviewing other rules associated with emissions of ethylene oxide, including commercial sterilizers, such as Sterigenics. We anticipate proposing necessary revisions for the commercial sterilizer rule in mid-2019 and will release schedules for other rules as they are determined. Second, EPA is gathering additional information on ethylene oxide emissions to both help EPA as it evaluates opportunities to reduce ethylene oxide emissions as part of its regulations review, and help the agency determine whether more immediate emission reduction steps are necessary in particular locations.

As part of our work under the second prong of the approach for the Sterigenics Willowbrook facility, we are developing a better understanding of the emissions from the facility and will use that information to conduct a risk assessment for the Willowbrook area. In addition, EPA has read the Illinois Department of Public Health (IDPH) assessment of cancer incidence in the population and agrees with IDPH that further assessment is needed. EPA is proceeding with its risk assessment, which will estimate future cancer risk due to the Sterigenics Willowbrook facility's ethylene oxide emissions and will help inform decisions about further actions needed to protect public health in this community. This assessment will be more refined than either EPA's National Air Toxics Assessment or the Agency for Toxic Substances and Disease Registry's analysis. Specifically, it will be the type of risk assessment EPA conducts when determining

whether to update industrial source sector regulations to improve public health protection. EPA has begun work on its risk assessment for the Willowbrook area, which the Agency expects to complete later this Spring.

To help inform this particular risk assessment, EPA prepared and followed a monitoring plan to measure the ambient concentrations of ethylene oxide in the commercial and residential areas surrounding the Sterigenics facility in Willowbrook. This plan was developed with input from community leaders and based on air dispersion modeling using results of stack tests conducted at the Sterigenics facility in Willowbrook in September 2018 and subsequent technical analysis. Based on feedback from the community, EPA began monitoring in Willowbrook in November 2018, seeking 3 months of air quality monitoring data. Monitoring continued during the partial government shutdown. After 4 ½ months of testing the community's air for ethylene oxide, EPA paused air quality monitoring in Willowbrook at the end of March 2019, well after the facility ceased operations. The Agency is evaluating options – including whether to resume monitoring – if conditions in the community change.

As EPA has reviewed the monitoring data, we have been posting it and associated information to our dedicated website at: <https://www.epa.gov/il/sterigenics-willowbrook-facility-documents>. EPA will post results of the March air quality sampling after quality assurance is complete and will hold a public webinar to review the results. Please continue to check this website for additional information as it becomes available.

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EPA will continue to coordinate closely with state and local air agencies, and across EPA offices, as we continue to work to address ethylene oxide and protect public health across the United States.

If you have additional questions, please contact me or your staff may contact Matthew Davis in the Office of Congressional Affairs at (202) 564-1267 or [davis.matthew@epa.gov](mailto:davis.matthew@epa.gov). I appreciate the opportunity to be of service and trust the information provided is helpful.

Sincerely,

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William L. Wehrum  
Assistant Administrator





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 9, 2019

OFFICE OF  
AIR AND RADIATION

The Honorable Tammy Duckworth  
United States Senate  
Washington, D.C. 20510

Dear Senator Duckworth:

Thank you for your January 25, 2019, February 15, 2019, and March 29, 2019, letters to the U.S. Environmental Protection Agency (EPA) regarding ethylene oxide emissions. The Administrator asked me to respond to you on his behalf.

EPA is taking a two-pronged approach to address emissions of ethylene oxide in Willowbrook, Illinois and around the country, and is committed to providing information to the public throughout the process. First, EPA is reviewing and updating Clean Air Act regulations for facilities that emit ethylene oxide. Several existing rules issued under the Clean Air Act Section 112 cover sources associated with ethylene oxide emissions. Regulatory processes are already underway for many of these rules. For example, EPA is currently reviewing its rule for the Miscellaneous Organic Chemical Manufacturing source category. The agency anticipates proposing necessary revisions to that rule by mid-2019, reviewing public comments submitted on that proposal, and finalizing the rule revisions in March 2020. Simultaneously, EPA is reviewing other rules associated with emissions of ethylene oxide, including commercial sterilizers, such as Sterigenics. We anticipate proposing necessary revisions for the commercial sterilizer rule in mid-2019 and will release schedules for other rules as they are determined. Second, EPA is gathering additional information on ethylene oxide emissions to both help EPA as it evaluates opportunities to reduce ethylene oxide emissions as part of its regulations review, and help the agency determine whether more immediate emission reduction steps are necessary in particular locations.

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EPA will continue to coordinate closely with state and local air agencies, and across EPA offices, as we continue to work to address ethylene oxide and protect public health across the United States.

If you have additional questions, please contact me or your staff may contact Matthew Davis in the Office of Congressional Affairs at (202) 564-1267 or [davis.matthew@epa.gov](mailto:davis.matthew@epa.gov). I appreciate the opportunity to be of service and trust the information provided is helpful.

Sincerely,

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William L. Wehrum  
Assistant Administrator





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 9, 2019

OFFICE OF  
AIR AND RADIATION

The Honorable Richard J. Durbin  
United States Senate  
Washington, D.C. 20510

Dear Senator Durbin:

Thank you for your January 25, 2019, February 15, 2019, and March 29, 2019, letters to the U.S. Environmental Protection Agency (EPA) regarding ethylene oxide emissions. The Administrator asked me to respond to you on his behalf.

EPA is taking a two-pronged approach to address emissions of ethylene oxide in Willowbrook, Illinois and around the country, and is committed to providing information to the public throughout the process. First, EPA is reviewing and updating Clean Air Act regulations for facilities that emit ethylene oxide. Several existing rules issued under the Clean Air Act Section 112 cover sources associated with ethylene oxide emissions. Regulatory processes are already underway for many of these rules. For example, EPA is currently reviewing its rule for the Miscellaneous Organic Chemical Manufacturing source category. The agency anticipates proposing necessary revisions to that rule by mid-2019, reviewing public comments submitted on that proposal, and finalizing the rule revisions in March 2020. Simultaneously, EPA is reviewing other rules associated with emissions of ethylene oxide, including commercial sterilizers, such as Sterigenics. We anticipate proposing necessary revisions for the commercial sterilizer rule in mid-2019 and will release schedules for other rules as they are determined. Second, EPA is gathering additional information on ethylene oxide emissions to both help EPA as it evaluates opportunities to reduce ethylene oxide emissions as part of its regulations review, and help the agency determine whether more immediate emission reduction steps are necessary in particular locations.

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If you have additional questions, please contact me or your staff may contact Matthew Davis in the Office of Congressional Affairs at (202) 564-1267 or [davis.matthew@epa.gov](mailto:davis.matthew@epa.gov). I appreciate the opportunity to be of service and trust the information provided is helpful.

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William L. Wehrum  
Assistant Administrator



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 9, 2019

OFFICE OF  
AIR AND RADIATION

The Honorable Lauren Underwood  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congresswoman Underwood:

Thank you for your February 15, 2019, and March 29, 2019, letters to the U.S. Environmental Protection Agency (EPA) regarding ethylene oxide emissions. The Administrator asked me to respond to you on his behalf.

EPA is taking a two-pronged approach to address emissions of ethylene oxide in Willowbrook, Illinois and around the country, and is committed to providing information to the public throughout the process. First, EPA is reviewing and updating Clean Air Act regulations for facilities that emit ethylene oxide. Several existing rules issued under the Clean Air Act Section 112 cover sources associated with ethylene oxide emissions. Regulatory processes are already underway for many of these rules. For example, EPA is currently reviewing its rule for the Miscellaneous Organic Chemical Manufacturing source category. The agency anticipates proposing necessary revisions to that rule by mid-2019, reviewing public comments submitted on that proposal, and finalizing the rule revisions in March 2020. Simultaneously, EPA is reviewing other rules associated with emissions of ethylene oxide, including commercial sterilizers, such as Sterigenics. We anticipate proposing necessary revisions for the commercial sterilizer rule in mid-2019 and will release schedules for other rules as they are determined. Second, EPA is gathering additional information on ethylene oxide emissions to both help EPA as it evaluates opportunities to reduce ethylene oxide emissions as part of its regulations review, and help the agency determine whether more immediate emission reduction steps are necessary in particular locations.

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EPA will continue to coordinate closely with state and local air agencies, and across EPA offices, as we continue to work to address ethylene oxide and protect public health across the United States.

If you have additional questions, please contact me or your staff may contact Matthew Davis in the Office of Congressional Affairs at (202) 564-1267 or [davis.matthew@epa.gov](mailto:davis.matthew@epa.gov). I appreciate the opportunity to be of service and trust the information provided is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read 'W L Wehrum', with a long, sweeping horizontal line extending to the right.

William L. Wehrum  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 22 2019

OFFICE OF THE  
CHIEF FINANCIAL OFFICER

The Honorable Betty McCollum  
Chair  
Subcommittee on Interior, Environment, and  
Related Agencies  
Committee on Appropriations  
House of Representatives  
Washington, D.C. 20515

The Honorable David Joyce  
Ranking Member  
Subcommittee on Interior, Environment, and  
Related Agencies  
Committee on Appropriations  
House of Representatives  
Washington, D.C. 20515

The Honorable Lisa Murkowski  
Chairman  
Subcommittee on Interior, Environment, and  
Related Agencies  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

The Honorable Tom Udall  
Ranking Member  
Subcommittee on Interior, Environment, and  
Related Agencies  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510

Dear Chair McCollum and Chairman Murkowski and Ranking Members Joyce and Udall:

The Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2017 (P.L. 115-31) directed the U.S. Environmental Protection Agency to report to the Committees on Appropriations regarding compensation of damages related to the Gold King Mine incident. Specifically, the Joint Explanatory Statement provided:

*"[A] recent legal decision has left many stakeholders concerned that they will not be compensated for property damage, business losses, and other negative financial impacts. EPA should further explore all legal and financial recourses that could compensate individuals for such damages and, if available, should ensure that recourses will be extended to individuals located in all areas impacted by the spill in New Mexico, Colorado, Arizona, Utah, and the Navajo Nation. The Agency is required to report to the Committees within 60 days of enactment of this Act on the details and timeline for such efforts, including plans for stakeholder engagement in all areas affected by the spill."*

Additionally, the Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2018 (P.L. 115-141) states in relevant part:

*"Animas River Spill.—The Committees concur with the Agency's decision to reconsider its previous determination to deny claims for damages from the Animas River Spill by invoking the discretionary act exemption in the Federal Tort Claims Act, but are concerned that little progress has been made on processing or paying out claims. The*



*Committees are also concerned that the Agency is applying or may apply an inconsistent standard that discriminates against certain claimants. The Committees expect the Agency and the Federal government to take a clear and consistent position on the question of whether they are responsible for damages caused to others by the Gold King Mine release. The Committees support paying out all legitimate claims from the Judgment Fund, consistent with the Federal Tort Claims Act, and communicating all relevant aspects of the claims process clearly to all affected communities, State, local and Tribal governments, along with the Committees. Within 30 days of enactment of this Act, the Agency shall provide to the Committees a written report detailing the status of the review of the legal basis for allowing or rejecting claims and the date by which such review will be complete, the current process underway for processing claims, the status of all claims, including reconsidered claims, the Agency's complete plan for processing all claims, and any other future planned actions related to current or future claims."*

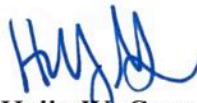
Similar language was included in Senate Report 115-276 and incorporated by reference into the Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2019 (P.L. 116-6).

The EPA is committed to working hand-in-hand with communities impacted by the Gold King Mine release. The agency has dedicated more than \$42 million in resources to the Gold King Mine, including more than \$3.5 million in emergency response reimbursements. The EPA has built and maintained a water treatment facility, added the Bonita Peak Mining District Site to the Superfund National Priorities List, and is conducting a Remedial Investigation/Feasibility Study at the Site. In February 2019, the agency published its Aquatic Baseline Ecological Risk Assessment, which is part of the ongoing Remedial Investigation/Feasibility that is underway at the Site. Other components of the Remedial Investigation/Feasibility Study include a Human Health Risk Assessment, and a hydrologic study of the Bonita Peak groundwater system. The EPA also has issued a proposed plan for interim remedial actions to address ongoing releases of hazardous substances at 26 source areas within the Site. Additionally, under the Water Infrastructure Improvements for the Nation Act (P.L. 114-322), to date, the agency has provided \$3.6 million in grants, contracts, and other financial vehicles to support water quality monitoring and assessment activities for rivers impacted by the Gold King Mine release by state, tribal, and local governments.

Concurrently with these activities, the EPA has been working diligently, consistent with the Federal Tort Claims Act, to address administrative tort claims submitted to the agency. As the committees are aware, in July 2017, the EPA mailed letters to 77 claimants whose claims had been denied during the prior administration but who had not yet filed suit informing them that the agency would reconsider their claims. In the month following the EPA's announcement that it would reconsider claims, the agency received several hundred new administrative tort claims. By fall 2017, the total number of claims reached 403. Of those, 294 claimants have now sued the United States in federal district court over their tort claims, leaving 109 administrative tort claims to be considered by the EPA. Under the Federal Tort Claims Act, the EPA lacks the legal authority to consider a claim at the administrative level once the claimant has filed suit against the United States in district court. 28 U.S.C. §§ 2672, 2677. Claims filed in district court must follow the judicial process, which is controlled by the Department of Justice. In addition, because there is active litigation arising out of the same incident, settlement of any administrative claim is subject to DOJ consultation or approval. 28 U.S.C. § 2672; 28 C.F.R. § 14.6. The EPA has been consulting and will continue to engage with the DOJ regarding the remaining administrative claims. The EPA hopes that cognizable claims will be resolved in a timely manner.

Should you need additional information or have further questions, please contact me or your staff may contact Ed Walsh at [walsh.ed@epa.gov](mailto:walsh.ed@epa.gov) or (202) 564-4594.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Holly W. Greaves', is positioned above the printed name.

Holly W. Greaves  
Chief Financial Officer

United States Senate  
WASHINGTON, DC 20510-2405

COMMITTEE ON  
APPROPRIATIONS  
  
COMMITTEE ON  
AGRICULTURE, NUTRITION,  
AND FORESTRY  
  
COMMITTEE ON  
RULES AND  
ADMINISTRATION

April 25, 2019

Brigadier General Kenneth R. LaPierre USAFR  
61 Forsyth Street SW  
Atlanta, Georgia 30303

Dear General LaPierre:

The Vicksburg Corps of Engineers has notified the Environmental Protection Agency of a possible violation by the [REDACTED] in (b) (7)(C) [REDACTED]  
[REDACTED]

[REDACTED]

A Cease and Desist Letter was received on [REDACTED] and a reply was made on [REDACTED]

Your assistance in moving this process (review, and any mitigation) quickly would be greatly appreciated.

Sincerely,

*Cindy Hyde-Smith*

Cindy Hyde-Smith  
United States Senator

CHS/mlf

# United States Senate

WASHINGTON, DC 20510

April 18, 2019

Frances Eargle  
Designated Federal Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
[eargle.frances@epa.gov](mailto:eargle.frances@epa.gov)

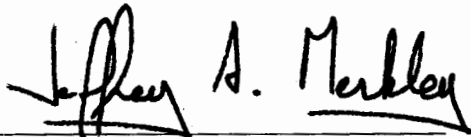
Dear Officer Eargle,

We write today to support [REDACTED]  
[REDACTED] for the Environmental Protection  
Agency's Local Government Advisory Committee.

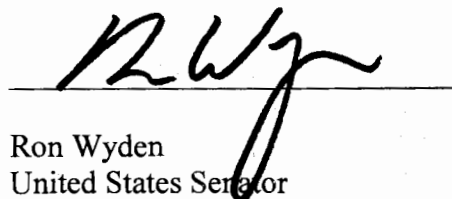
[REDACTED] has a unique set of skills and a deep understanding of rural, environmental, business, and agricultural interests and needs. She understands and has experience in balancing concerns for our environment with the interests of stakeholders. She would be a tremendous asset to EPA's Local Government Advisory Council.

We ask that you give fair and full consideration to [REDACTED]' nomination to EPA's Local Government Advisory Committee.

Sincerely,



Jeffrey A. Merkley  
United States Senator



Ron Wyden  
United States Senator



JOE MANCHIN III  
WEST VIRGINIA

SUITE 306  
HART BUILDING  
WASHINGTON, DC 20510  
(202) 224-3954

# United States Senate

WASHINGTON, DC 20510-4804

COMMITTEES  
APPROPRIATIONS  
ARMED SERVICES  
ENERGY AND NATURAL RESOURCES  
VETERANS' AFFAIRS

April 1, 2019

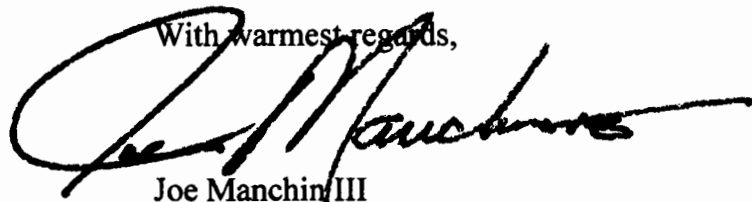
Mr. Troy Lyons  
Associate Administrator for Congressional  
and Intergovernmental Relations  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W., Room 3426 ARN  
Washington, D.C. 20460-0001

Dear Mr. Lyons,

Please see the attached correspondence from my constituent, [REDACTED],  
who is requesting assistance with [REDACTED]  
[REDACTED]

I would appreciate your looking into the matter, and providing me with comments in writing that may serve as the basis for a reply to my constituent. If you have any questions, please contact my staff assistant, Angie Walsh in my Martinsburg Office at (304) 264-4626. Thank you for your attention, and I look forward to receiving your response in my Martinsburg office at 261 Aikens Center, Suite 305, Martinsburg, West Virginia 25404.

With warmest regards,



Joe Manchin III  
United States Senator

JM/aw

Enclosure

# JOEMANCHIN

900 Pennsylvania Ave  
Suite 629  
Charleston, WV 25302  
Phone: 304-342-5855

---

## Help With A Federal or State Agency

---

### Your Information

Name: [REDACTED]

Address:

[REDACTED] Bristol, WV [REDACTED]

Email: [REDACTED]

Phone Number: [REDACTED]

---

### Additional Information

Date of Birth: [REDACTED]

Social Security #: [REDACTED]

---

### Your Request

Have you contacted another congressional office regarding this issue?

No

Please provide a detailed explanation of your concerns:

[REDACTED]

---

Due to the Privacy Act of 1974 (PL 93579), federal and state agencies are prohibited from releasing information or discussing anything regarding another individual without that person's written permission. Your signature on this page authorizes Senator Manchin and/or his representatives to contact the proper officials on your behalf discuss the issue and receive any pertinent information. Your signature also gives Senator Manchin and/or his representatives permission to send a copy of this form and any attached letters or supporting documentation to the appropriate agency.

Signature: [REDACTED] \_\_\_\_\_

Date: 30 / 03 / 2019

**Please sign, and send back to my office in one of these four ways:**

- 1. Scan and email to [common\\_sense@manchin.senate.gov](mailto:common_sense@manchin.senate.gov)**
- 2. Fax a copy to my Charleston office at 304-343-7144**
- 3. Drop it off in person to any of my four offices**
- 4. Mail it to my Charleston office at:**

**900 Pennsylvania Ave  
Suite 629  
Charleston, WV 25302  
Phone: 304-342-5855**

**Congress of the United States**  
**Washington, DC 20515**

April 29, 2019

The Honorable Andrew Wheeler  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20004

Dear Administrator Wheeler:

We write to express our concerns over the expanding number of Small Refinery Exemptions (SRE) the EPA has employed under the Renewable Fuel Standard (RFS) for certain refiners. The RFS has been a great success story for American energy independence, the development of sustainable rural economies in our home state of Illinois and across the country, and has proven to be an effective strategy to reduce greenhouse gas emissions. However, while we recognize SREs may serve an important role under certain circumstances, they may also undermine our ability to achieve the original objectives of the RFS and the Clean Air Act.

In the time since Congress established the program in 2005, the RFS has been a vital component of the all-of-the-above energy strategy America needs to achieve energy independence. Oil imports have dropped significantly while the ethanol industry continues to grow. With continued development of new technologies, there is enormous potential for further decreasing our dependence on foreign sources of energy. However, we are concerned that the expanded use of SREs will reverse this trend and lead to increased American dependence on foreign energy.

The implementation of the RFS has also been an impressive job creator in the renewable energy industry. These jobs provide good wages that support families across America, many of them in rural communities that might otherwise have limited opportunities for economic growth. Further, the RFS has given a greater amount of certainty to American farmers—an industry that is often subject to myriad unknown variables. Unfortunately, the recent spike in SREs granted has caused a considerable reduction of renewable fuel blending and has significantly lowered corn demand.

The RFS has also proven to be an effective strategy to reduce greenhouse gas emissions. On April 2, 2019, the U.S. Department of Agriculture released a new study that found “greenhouse gas emissions from corn-based ethanol are 39% lower than gasoline.” This significant finding further demonstrates the need to reduce the uncertainty for America’s farmers and the biofuel industry in order to increase domestic production and consumption of this environmentally-friendly and cost-effective biofuel.



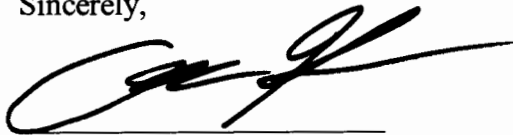
In light of these concerns, we respectfully request that you respond to the following questions by May 10, 2019:

1. The number of SREs granted by the EPA rose from 19 in 2016 to 35 in 2017. Why has there been such a significant year-to-year increase in SREs?
2. Has the EPA considered the impact on greenhouse gas emissions from the increased use of SREs?
3. Does the EPA plan on making any adjustments based off the new study released by the USDA?

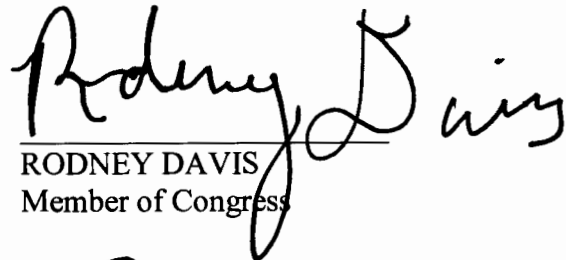
Additionally, we are aware that the EPA has recently reopened the comment period on a proposed rule that aims to increase transparency within the SRE process. We applaud this move as we strongly support increased access to basic information related to individual SRE petitions that are submitted as well as those who are subsequently granted the SRE.

We look forward to working with you on policies that meet our energy needs, continue to support American job creation and domestic energy production, and reduce greenhouse gas emissions. Thank you for your thoughtful consideration of our concerns and questions. We look forward to your response.

Sincerely,



ADAM KINZINGER  
Member of Congress



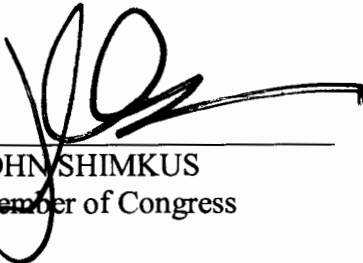
RODNEY DAVIS  
Member of Congress



MIKE BOST  
Member of Congress



DARIN LAHOOD  
Member of Congress



JOHN SHIMKUS  
Member of Congress

**Congress of the United States**  
**Washington, DC 20515**

April 12, 2019

The Honorable Andrew Wheeler  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460

Dear Administrator Wheeler:

We write to request the Environmental Protection Agency revise the “Lessor's Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards” form and issue new guidance around its usage.

The Lessor’s Disclosure form is used by property owners to alert renters of potential lead-based hazards in the property. However, the form’s current language is vague, which puts children and families at risk for exposure to lead in their home. Revising the form and issuing clarifying guidance will ensure that landlords are accurately conveying the potential lead risk in their properties, and that tenants are fully informed about those risks.

The current sample form only requires lessors to indicate whether or not they are aware of lead-based paint hazards in the home. Nothing on the form verifies whether any hazard screenings have been completed. We are concerned the limited disclosure options creates a scenario in which lessors are actually discouraged from testing their properties for these dangers and instead are able to simply check the ‘no knowledge’ box. This could create confusion for renters, who may assume that such a check mark means their children are safe from lead exposure.

To rectify this issue, we urge the EPA to include a third option on the disclosure form that indicates that the property owner has not tested for lead-based paint and/or lead-based paint hazards. This revision will ensure that renters have everything they need to make informed decisions about their health and their homes

Thank you for your attention to this critical matter. We look forward to your timely response to our request.

Sincerely,



Ilhan Omar  
Member of Congress



Al Green  
Member of Congress



Gwen Moore  
Member of Congress



Salud Carbajal  
Member of Congress



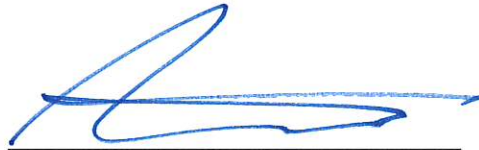
Ayanna Pressley  
Member of Congress



Alexandria Ocasio-Cortez  
Member of Congress



Sheila Jackson Lee  
Member of Congress



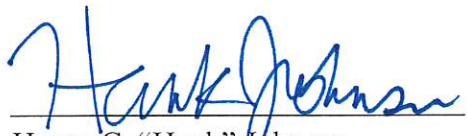
Adriano Espaillat  
Member of Congress



Barbara Lee  
Member of Congress




Marcy Kaptur  
Member of Congress



Henry C. "Hank" Johnson  
Member of Congress



Grace Meng  
Member of Congress



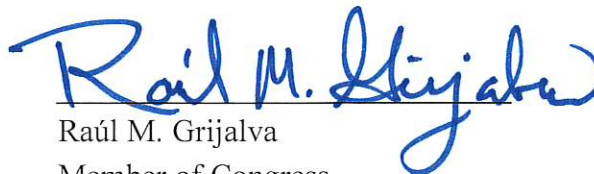
Andy Levin  
Member of Congress



Pramila Jayapal  
Member of Congress



Steve Cohen  
Member of Congress



Raúl M. Grijalva  
Member of Congress

# Congress of the United States

Washington, DC 20510

April 18, 2019

Andrew R. Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Re: Letter of Appeal  
Waterbury Development Corporation, DUNS #6105484350000, Clean-Up Grant  
Application for the Former Risdon Property – 2100 South Main Street, Waterbury, CT

Dear Administrator Wheeler:

We are writing to request a re-evaluation of the Cleanup Grant application for the former Risdon Manufacturing property located at 2100 South Main Street in Waterbury, Connecticut, submitted by the Waterbury Development Corporation (WDC) on behalf of the City of Waterbury.

The WDC applied for a Cleanup Grant of \$500,000 on behalf of the City of Waterbury. Under the grant proposal, the city, as title owner of the property, would control the funds and the scope of the work. The WDC, as an agent for the city, would serve as the city's project manager and in a representative capacity. In furtherance of the grant application, the WDC submitted both a Master Municipal Agreement and Project Authorization Letter, executed by the city and the WDC. Therefore the city, acting through its designated agent, the WDC, satisfies the Site Ownership requirements set forth in the Guidelines, Section III. The applicant is a municipality that is an eligible entity for receipt of a Multipurpose Grant and the WDC is an eligible entity applying on behalf of the eligible municipality (Sections III.A and III.B).


Unfortunately, the application was initially rejected because of the unclear description of WDC's role. As the city and the WDC clearly meet the eligibility requirement outlined in the grant's Notice of Funding Availability, we feel this rejection was unjustified. This problem was further complicated by the lapse in appropriations, during which the applicant could not clarify these issues with the agency. Under normal circumstances, such clarifications would have been addressed swiftly. The WDC made this very point when it appealed the grant application's rejection to the Region 1 EPA Office. As a result of that appeal, we anticipate that the original description of WDC's role has been clarified and the city will be deemed eligible for the Clean-Up Grant.



Finally, we would like to provide you with a list of instances in which the WDC has acted on behalf of the city under similar EPA grant-funded projects, demonstrating that this partnership has been recognized and funded by the EPA in the past. The list is enclosed as an addendum to this letter.

We strongly urge the EPA to reconsider the grant application submitted by the WDC on behalf of the City of Waterbury. We thank you for your time and attention to this important matter.


Sincerely,



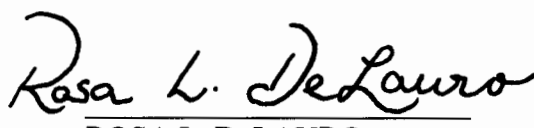
CHRISTOPHER S. MURPHY  
United States Senate



RICHARD BLUMENTHAL  
United States Senate



JAHANA HAYES  
U.S. Member of Congress



ROSA L. DeLAURO  
U.S. Member of Congress

Cc: Deborah Szaro  
Acting Administrator Region 1  
U.S. Environmental Protection Agency  
5 Post Office Square – Suite 100  
Boston, MA 02109-3912

David Lloyd  
Director  
Office of Brownfields and Land Revitalization  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20460

## **ADDENDUM 1**

### ***EPA funded projects successfully administered by the WDC on behalf of the City of Waterbury***

#### **31 Burton Street**

- 0.26 acres.
- Total U.S. EPA funding \$35,000.00.
- U.S. EPA funding-**BF 96132401** \$18,500 (Phase II ESA) and **BF96111001** \$1,500 (Phase I ESA) **BF96111001**-\$15,000 (Phase II ESA).

#### **272 River Street**

- 0.77 acres.
- Total U.S. EPA Funding \$32,312.00.
- U.S. EPA Funding-**BF 96132401** \$5,700 (Phase I esa) **BF96132401** \$26,612 (Phase II esa).

#### **324 Mill Street**

- 0.14 acres.
- Total U.S. EPA Funding: \$24,007.00.
- U.S. EPA Assessment Funding-**BF 96132401** \$9,617 (Phase II ESA) and **BF96132401** \$7,740 (Cleanup Planning) and **BF96111001** -\$3,200 (Phase I ESA) **BF96111001**-\$3,450.00 (Phase II ESA).
- Now is remediated and capped, currently housing the Brass City Harvest Greenhouse.

#### **909 Bank Street**

- 0.4 acres.
- U.S. EPA Funding-**BF 96168301** \$2,500 Phase I.
- New phase I and II 2018 funded through NVCOG EPA funds-\$24,381.46.
- Site purchased with funds donated to the City of Waterbury in 2019. Plans include remediating and developing the site into a community park.

#### **Lot 19 Mill Street**

- \$200,000.00 EPA pass through grant for site remediation.

#### **777 South Main Street**

- 1.96 acres.
- Manufacturing occurred at the site from 1888-1990. The building was demolished in 2000.
- U.S. EPA - \$2,814.00 **BF96168301** (Phase I ESA); **BF96168301** (Supplemental Assessment).
- In 2018, the U.S. EPA spent \$100,000.00 on the following reports: QUAPP, ABCA, and Targeted Brownfields Assessment Report.

1875-2223 Thomaston Avenue

- 51.67 acres.
- Manufacturing started at this site around 1900 and lasted until the 1975 when demolition, remediation, and renovation began. Now the site is known as Waterbury Industrial Commons.
- Located on the CT DEEP List of Contaminated or Potentially Contaminated Sites.
- U.S. EPA - **BF 96163001** \$73,710 (Phase II ESA) **BF96163001**-\$276,689 (Supplemental Assessment).
- Total U.S. EPA Funding: \$350,399.00.

1200 South Main Street

- 1.06 acres.
- Total U.S. EPA Funding: \$96,279.00.
- U.S. EPA Funding - **BF 96132401** \$19,002 (Supplemental Assessment) **BF96132401**-\$4,954 (Phase I ESA) and **BF96111001** \$25,885 (Phase II ESA) **BF96111001**-\$46,438 (Supplemental Assessment).

EWR-West Main Street

- 3.82 acres.
- Manufacturing at this site began in 1845 and continued until 1975. Environmental Waste Removal and Phoenix Soil occupied the site.
- An emergency \$1 million cleanup action by U.S. EPA between 2016 - 2017 to remove toxic chemicals and demolish storage tanks at 130 Freight Street and at EWR site on West Main Street.
- Total U.S. EPA Assessment Funding: \$62,665.00.
- U.S. EPA Funding - **BF 96168301** \$56,165 (Phase II ESA) and **BF96111001** - \$6,500 (Phase I ESA) **BF96111001** -(Supplemental Assessment).

1046-1056 South Main Street

- 2.1 acres.
- Manufacturing occurred at the site from 1899-1988. The site became vacant circa 2006 and was demolished in 2011.
- Total U.S. EPA funding - \$65,405.00.
- Harper Leader received EPA funding-**BF 96168301** \$49,805 (Supplemental Assessment) and **BF96168301** \$15,600 (Supplemental Assessment).

#### 114 Bank Street

- 0.55 acres.
- Howland Hughes served, as a department store from 1903 until the late 1990's when the building became largely vacant. The property was completely renovated in 2018 and now occupied by 400 employees of Post University.
- Located on the CT DEEP List of Contaminated or Potentially Contaminated Sites.
- Total U.S. EPA funding - \$16,586.00.
- U.S. EPA Funding - **BF 96168301** \$1,166 (Supplemental Assessment) and **BF 96132401** \$3,500 (Phase I ESA) **BF96132401** -\$11,920 (Supplemental Assessment).

#### Interstate Lane

- 3 acres.
- 173 Interstate Lane.
- U.S. EPA Assessment Funding - **BF 96168301** \$4,600 (Phase I ESA).

#### 16 Cherry Avenue and 167 Maple Street

- 1.78 acres.
- Manufacturing began here in the 1870's and continued 2003 when the site became vacant.
- Total U.S. EPA Funding: \$526,484.00
- U.S. EPA Funding - 167 Maple Street **BF96111101**-\$200,000.00 cleanup grant (with a \$40,000.00 match). 16 Cherry Avenue **BF96111201** - \$200,000.00 cleanup grant (with a \$40,000.00 match). 167 Maple Street and 16 Cherry Avenue EPA cooperative agreement-**BF96111001**. 167 Maple Street and 16 Cherry Ave \$17,748.00 (Supplemental Assessment) EPA Cooperative Agreement **BF96168301** EPA cooperative Agreement **BF96132401** 16 Cherry Ave - \$52,764 (Supplemental Assessment) and **BF96132401** - \$55,972 (Supplemental Assessment) 167 Maple Street.

#### 313 Mill Street

- 4.18 acres.
- Manufacturing began at the site in the mid 1800s and continued until 1999. The site suffered a devastating fire in 2012 and was demolished in 2013.
- Total U.S. EPA Environmental Assessment Funding: \$110,295.00.
- U.S. EPA Funding - **BF 96168301** \$4,005 (Cleanup Planning) and **BF 96168301** \$20,000 (Phase I ESA and Phase II ESA) EPA Funding - **BF 96132401** \$23,880 (Supplemental Assessment) **BF96132401** - \$8,662 (Phase II ESA) and **BF96111001** - \$4,700 (Phase I ESA) **BF96111001** - \$49,048 (Phase II ESA).



#### 91-99 Pearl Street

- 0.54 acres.
- The park land has been owned by the City of Waterbury since the 1920's. 99 Pearl Street burned in 2008 and was demolished.
- Total U.S. EPA Assessment Funding: \$50,152.00.
- U.S. EPA Funding - 91 Pearl St- **BF96111001** -\$750 (Phase I ESA) **BF96111001**- \$8,676 (Phase II ESA) **BF96111001**- \$12,000 (Supplemental Assessment).
- U.S. EPA Funding -99 Pearl St-**BF96111001** -\$750 (Phase I ESA) 99 Pearl St **BF96111001** - \$8,676-(Phase II ESA) 99 Pearl St **BF96111001** - \$12,000-(Supplemental Assessment) 99 Pearl St - **BF 96132401** \$7,300 (Phase II ESA).

#### 2100 South Main Street

- 3.38 acres located on Smugg Brook, which flows into the Naugatuck River.
- Manufacturing at the site started in 1838 and continued until 1985 when the property was used by American Rentals. The site suffered a severe fire in 2016 and was subsequently demolished in 2018.
- Located on the CT DEEP List of Contaminated or Potentially Contaminated Sites.
- DECD Site Assessment 2017- \$135,240.00.
- DECD funding for demolition \$1,000,000.00.
- Requires additional \$1,000,000.00 to complete site remediation.

#### 110 East Main Street

- 0.17 acres.
- St. Patrick's Hall was built by the Immaculate Conception for religious education and religious organization meeting space. The church later sold the property, which held billiard hall amongst other used until it was redeveloped in 2016 for UCONN and Starbucks.
- U.S. EPA funding - **BF 96168301**-\$2,350 (Phase I ESA).

#### 835 South Main Street

- 2.5 acres.
- Manufacturing started in 1812 and continued until 2009.
- U.S. EPA Funding - **BF 96168301** \$162,628 (Phase II ESA) and (Supplemental Assessment).

#### Waterbury Clock Factory (Timex)

- Manufacturing at the site began in the 1700's and continued until the 1980's. This complex contains multiple parcels and addresses.
- 4.06 acres.
- Total U.S. EPA Assessment Funding: \$204,728.00.
- Located on the DEEP List of Contaminated or Potentially Contaminated Sites.
- 0 Cherry Ave - EPA Funding - **BF96111001** \$1,125 (Phase I ESA) **BF96111001** - \$5,024 (Supplemental Assessment).
- 177 Cherry St - EPA Funding - **BF96111001** \$1,125 (Phase I ESA) **BF96111001** - \$5,024 (Supplemental Assessment) **BF96111001** - \$17,000 (Phase II ESA).
- 215 Cherry St - EPA funding - **BF96111001** \$1,125 (Phase I ESA) **BF96111001** - \$5,024 (Supplemental Assessment) **BF96111001** - \$17,000 (Phase II ESA).
- 39 Cherry Ave - EPA Funding - **BF 96168301** \$26,341 (Supplemental Assessment) and **BF 96132401** \$102,791 (Phase II ESA) and **BF96111001** \$1,125 (Phase I ESA) **BF96111001** - \$5,024 (Supplemental Assessment) **BF96111001** - \$17,000 (Phase II ESA).

#### 27 and 57 Division Street

- 2.58 acres.
- Formerly garages and tire shops. The two properties were demolished and remediated for recreational facilities.
- U.S. EPA funding - **BF 96132401** \$3,593 (Supplemental Assessment) **BF96132401** \$884.00 (Cleanup Planning) and **BF96111001** - \$2,250 (Phase I ESA) **BF96111001** - \$8,278 (Supplemental Assessment) and **BF96111001** - \$2,250 (Phase I ESA) **BF96111001** - \$8,278 (Supplemental Assessment) **BF96111001** - \$38,309 (Phase II ESA) **BF111001** - \$39,591 (Phase II ESA).

# United States Senate

WASHINGTON, DC 20510

April 3, 2019

Mr. Andrew Wheeler  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20004

Dear Mr. Wheeler,

I write to bring to your attention the competitive grant application submitted by the Lake County Port & Economic Development Authority for funding through the US EPA's Brownfield Hazardous Substances and Petroleum Coalition Assessment grant program.

I understand that the coalition, comprised of the county port authority, Reutilization Corporation, and the City of Wickliffe, seeks funding to assess identified brownfield sites in the county as determined by their redevelopment plan. The coalition would assess seven priority brownfields containing hazardous substance and 12 abandoned gas stations containing petroleum substance. These brownfields are in targeted sites, due to their proximity to sensitive populations as well as Lake Erie and the Chagrin and Grand River watersheds, which are areas of high redevelopment opportunity. Further, history of the area indicates that these sites may be contaminated with chemicals and toxins, including asbestos in building materials and surfaces painted with lead-based paint.

In Lake County's economic development strategy, they have prioritized waterfront revitalization as a means to improve economic viability and enhance residential quality of life. Of the priority sites identified by the coalition, 71 percent are either adjacent to rivers which connect to Lake Erie or on the Lake Erie shoreline. Assistance from your agency would allow the coalition to assess these waterfront brownfields and others to revitalize the community, local economy, and public lands of Lake County.

Please give all due consideration to this request. If there are any questions, please contact my Grant Coordinator, Avery Pierson, at (614) 469-6774. Thank you.

Sincerely,



Rob Portman  
United States Senator





P5-19-000-3521-C



United States Environmental Protection Agency  
Regional Administrator  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

APR 02 2019

The Honorable Peter J. Visclosky  
U.S. House of Representatives  
2256 Rayburn Office Building House  
Washington, DC 20515

Dear Mr. Visclosky:

Thank you for your March 8, 2019 letter expressing support for Mayor Anthony Copeland's request that the EPA choose Alternative 4D for the cleanup plan in Zone 1 at the U.S. Smelter and Lead Refinery Inc. Superfund Site in East Chicago, Indiana.

EPA is currently evaluating all the public comments received and has not made a final remedy decision for Zone 1 at this time. Community acceptance is one of the nine evaluation criteria the EPA uses in determining the most appropriate remedy. EPA assesses community acceptance after it evaluates all public comments received. Mayor Copeland's public comments will be given serious consideration, and EPA will ensure that the final selected remedy will allow for residential development in a manner that is protective of human health and the environment.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Eileen Deamer or Denise Fortin, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathy Stepp", is written over the word "Sincerely,".

Cathy Stepp  
Regional Administrator

cc: Anthony Copeland, Mayor  
City of East Chicago





KEVIN BRADY  
MEMBER OF CONGRESS  
8TH DISTRICT OF TEXAS  
DEPUTY WHIP

CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C.

RANKING MEMBER  
COMMITTEE ON  
WAYS AND MEANS  
JOINT COMMITTEE ON TAXATION

April 5, 2019

David Gray  
Acting Regional Administrator  
Environmental Protection Agency  
1445 Ross Avenue  
Dallas, TX, 75202

Administrator Gray,

We write today to bring to your attention an issue that's affecting our constituents in Montgomery County, Texas. In 2011, Spring Creek and Mill Creek in Montgomery County were placed on the Environmental Protection Agency's (EPA) Impaired Waters list. At that time, Montgomery County and the surrounding area were experiencing record drought conditions.

Being placed on the Impaired Waters list has limited the options for the local governments to make improvements to their sewer plants, which has halted the growth of Montgomery County. Due to the restrictions placed on Spring Creek and Mill Creek by the EPA, the Texas Commission on Environmental Quality (TCEQ) requires the city to use an 8 to 10 acre polishing pond for a small increase in the plant capacity.

Taking into account the heavy rainfall in the Houston area the past few years, TCEQ has conducted new studies that show Mill Creek and Spring Creek no longer require these protections. However, TCEQ cannot make any changes until the EPA removes these creeks from the Impaired Waters list.

Our offices, and the local communities understand and appreciate the necessity of the protections provided by the EPA. However, the current situation has limited economic development in Montgomery County and we respectfully request that Spring Creek and Mill Creek be removed from the EPA's Impaired Waters list.

We appreciate the continued work of the EPA, and thank you for your attention to this matter. If you have any questions, please feel free to contact Austin Bray, at (202) 225-4901 or by email at [Austin.Bray@mail.house.gov](mailto:Austin.Bray@mail.house.gov). You may also contact Ariane Marion at (512) 463-0650 or by email at [Ariane.Marion@house.texas.gov](mailto:Ariane.Marion@house.texas.gov).

Sincerely,

Kevin Brady  
Member of Congress

Cecil Bell Jr.  
State Representative

CC: Toby Baker, TCEQ Executive Director



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0536**

April 9, 2019

The Honorable Andrew Wheeler  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, D.C. 20460

The Honorable Kevin McAleenan  
Commissioner  
Customs and Border Protection  
1300 Pennsylvania, Ave, NW  
Washington, D.C. 20229

Dear Administrator Wheeler and Commissioner McAleenan,

I urge you to investigate the concerns shared with my office by the National Border Patrol Council Local 2554, which represents Border Patrol agents operating in the El Centro Sector (ELC). These agents have documented cases of respiratory illnesses, skin sores, and cancers that may be associated with their work environment near the heavily polluted New River.

Border Patrol Agents operating within the El Centro Sector protect more than 70 miles of the border with Mexico and maintain stations located in El Centro, Calexico, Indio, and Riverside, California. The New River flows through the heart of this service area, crossing the border near Calexico and flowing north to the Salton Sea. The toxicity and high levels of pollution in the New River have been well documented,<sup>1</sup> and the United States and Mexican governments have spent more than \$91 million attempting to reduce the pollution.

Tests conducted by the State of California on the New River have revealed the presence of toxins and carcinogens including lead, mercury, polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs), and the pesticide DDT. Agents who work in this region have noted symptoms associated with exposure to pollution and toxins such as headaches, itchy/watery eyes, rashes and sores, and respiratory ailments. They also reported that some agents have been diagnosed with cancer.

Due to the serious health concerns these reports raise, could you please provide an answer to the following questions:

1. What steps has CBP taken to ensure the health and safety of Border Patrol agents who work in the vicinity of the New River?

---

<sup>1</sup> James, Ian. (2018, December 10) "This River is too toxic to touch, and people live right next to it." *The Desert Sun*. <http://www.desertsun.com/in-depth/news/environment/border-pollution/poisoned-cities/2018/12/05/toxic-new-river-long-neglect-mexico-border-calexico-mexicali/1381599002/>




2. What additional equipment or respiratory devices has CBP provided to agents in the ELC?
3. Has CBP issued any guidance to ELC agents regarding the hazards of the New River?
4. What, if any, studies on the toxicity of the New River has the EPA conducted and did the EPA make any determination as to its effects on human health?
5. Will the EPA conduct an epidemiological study to determine the risks associated with service near the river?

As a physician, it concerns me that there is a possibility that these agents, who work extremely difficult jobs protecting our border, may be subject to hazardous environmental conditions that threaten their health.

Please respond to the above questions by June 1, 2019 and include whether or not your agencies have spoken with agents working in the ELC regarding this serious public health issue. Thank you for your attention to this critical matter, and I look forward to working with you to protect our law enforcement agents.

Sincerely,



Raul Ruiz, M.D.  
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 11 2019

The Honorable Sanford D. Bishop, Jr.  
U.S. House of Representatives  
Washington, D.C. 20515

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

Dear Congressman Bishop:

Thank you for your letter of March 7, 2019, to the U.S. Environmental Protection Agency, supporting the brownfields grant proposal from the Downtown Development Authority of Albany in Georgia. We appreciate your interest in the Brownfields Program and your support of this proposal.

Since its inception in 1995, the EPA's Brownfields Program has grown into a proven, results-oriented program that has changed the way contaminated property is perceived, addressed, and managed. The EPA's Brownfields Program is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. The program is an excellent example of the success that is possible when people of all points of view work together to improve the environment and their communities.

Last year's application process was highly competitive with the EPA evaluating more than 620 grant proposals. From these proposals, the EPA announced the selection of approximately 220 grants.

The EPA's selection criteria for grant proposals are available in the *Proposal Guidelines for Brownfields Multipurpose, Assessment, and Cleanup Grants (November 2018)*, posted on our brownfields website at [www.epa.gov/brownfields](http://www.epa.gov/brownfields). Each proposal will be carefully reviewed and evaluated by a selection panel that applies these objective criteria in this highly competitive program. The grant proposal submitted by the Downtown Development Authority of Albany will be given every consideration.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at [snyder.raquel@epa.gov](mailto:snyder.raquel@epa.gov) or at (202) 564-9586.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry N. Breen", is written over the word "Sincerely,".

Barry N. Breen  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 11 2019

The Honorable Sherrod Brown  
United States Senate  
Washington, D.C. 20510

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

Dear Senator Brown:

Thank you for your letter of March 21, 2019, to the U.S. Environmental Protection Agency, supporting the brownfields grant proposal from the Lake County Port Authority in Painesville, Ohio. We appreciate your interest in the Brownfields Program and your support of this proposal.

Since its inception in 1995, the EPA's Brownfields Program has grown into a proven, results-oriented program that has changed the way contaminated property is perceived, addressed, and managed. The EPA's Brownfields Program is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. The program is an excellent example of the success that is possible when people of all points of view work together to improve the environment and their communities.

Last year's application process was highly competitive with the EPA evaluating more than 620 grant proposals. From these proposals, the EPA announced the selection of approximately 220 grants.

The EPA's selection criteria for grant proposals are available in the *Proposal Guidelines for Brownfields Multipurpose, Assessment, and Cleanup Grants (November 2018)*, posted on our brownfields website at [www.epa.gov/brownfields](http://www.epa.gov/brownfields). Each proposal will be carefully reviewed and evaluated by a selection panel that applies these objective criteria in this highly competitive program. The grant proposal submitted by the Lake County Port Authority will be given every consideration.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at [snyder.raquel@epa.gov](mailto:snyder.raquel@epa.gov) or at (202) 564-9586.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry N. Breen", is written over a horizontal line.

Barry N. Breen

Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR - 4 2019

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Mitch McConnell  
United States Senate  
Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your letter of March 15, 2019, to the U.S. Environmental Protection Agency, supporting the brownfields grant proposal from the city of Frankfort, Kentucky. We appreciate your interest in the Brownfields Program and your support of this proposal.

Since its inception in 1995, the EPA's Brownfields Program has grown into a proven, results-oriented program that has changed the way contaminated property is perceived, addressed, and managed. The EPA's Brownfields Program is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. The program is an excellent example of the success that is possible when people of all points of view work together to improve the environment and their communities.

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The EPA's selection criteria for grant proposals are available in the *Proposal Guidelines for Brownfields Multipurpose, Assessment, and Cleanup Grants (November 2018)*, posted on our brownfields website at [www.epa.gov/brownfields](http://www.epa.gov/brownfields). Each proposal will be carefully reviewed and evaluated by a selection panel that applies these objective criteria in this highly competitive program. The grant proposal submitted by the city of Frankfort will be given every consideration.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at [snyder.raquel@epa.gov](mailto:snyder.raquel@epa.gov) or at (202) 564-9586.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry N. Breen", is written over the word "Sincerely,". The signature is fluid and cursive, with a long horizontal line extending to the right.

Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 26 2019

OFFICE OF  
POLICY

The Honorable Lamar Alexander  
United States Senate  
Washington, D.C. 20510

Dear Senator Alexander:

On behalf of Administrator Wheeler, thank you for your March 25, 2019, letter to the U.S. Environmental Protection Agency regarding your support of Socially Equal Energy Efficient Development's proposal for an EPA Environmental Justice small grant. As you may know, the EPA's Office of Policy manages the Environmental Justice Small Grants program through our Office of Environmental Justice. The program supports and empowers communities working on solutions to local environmental and public health issues. The program is designed to help communities understand and address exposure to multiple environmental harms and risks. Environmental Justice Small Grants fund projects up to \$30,000, depending on the availability of funds in a given year. All projects are associated with at least one qualified environmental statute.

This year's solicitation period ended on March 8, 2019. EPA is currently reviewing each proposal and anticipates that grant recipients will be announced by the end of this fiscal year. The grant recipients for the 2019 Environmental Justice Small Grants, along with other information on the awards program, will be posted on our website at <https://www.epa.gov/environmentaljustice/environmental-justice-small-grants-program>.

Thank you again for your letter. If you have further questions, please contact me or your staff may contact Thea Williams in EPA's Office of Congressional and Intergovernmental Relations at [williams.thea@epa.gov](mailto:williams.thea@epa.gov) or (202) 564-2064.

Sincerely,

A handwritten signature in black ink, which appears to read "Brittany Bolen", is written over the word "Sincerely,".

Brittany Bolen  
Associate Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 23 2019

OFFICE OF WATER

The Honorable Martha McSally  
United States Senate  
Washington, D.C. 20510

Dear Senator McSally:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20<sup>th</sup> designee.

The EPA established the UWFP in 2011 and continues to lead its coalition of 15 federal agencies, 28 non-governmental organizations, and a broad range of stakeholders. These partners collaborate in implementing projects in 19 locations across the country and have created a model that is available to all communities through the UWFP's handbook, toolkits, national workshops, webinars, and a peer-to-peer learning network.

The EPA and many other federal agencies have been collaborating with the Arizona's Rio Reimagined project's leaders, for example attending the project's opening ceremony in March 2018 and several subsequent key meetings.

The UWFP is currently developing a framework for incorporating future projects, and the EPA supports inclusion of the Rio Reimagined project as the UWFP's 20<sup>th</sup> designee.

Again, thank you for your letter and your interest in the UWFP. If you have further questions, please contact me or your staff may contact Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at [borum.denis@epa.gov](mailto:borum.denis@epa.gov) or (202) 564-4836.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Ross", is positioned above the typed name.

David P. Ross  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 23 2019

OFFICE OF WATER

The Honorable Kyrsten Sinema  
United States Senate  
Washington, D.C. 20510

Dear Senator Sinema:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20<sup>th</sup> designee.

The EPA established the UWFP in 2011 and continues to lead its coalition of 15 federal agencies, 28 non-governmental organizations, and a broad range of stakeholders. These partners collaborate in implementing projects in 19 locations across the country and have created a model that is available to all communities through the UWFP's handbook, toolkits, national workshops, webinars, and a peer-to-peer learning network.

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Again, thank you for your letter and your interest in the UWFP. If you have further questions, please contact me or your staff may contact Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at [borum.denis@epa.gov](mailto:borum.denis@epa.gov) or (202) 564-4836.

Sincerely,

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David P. Ross  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 23 2019

OFFICE OF WATER

The Honorable Raúl M. Grijalva  
House of Representatives  
Washington, D.C. 20515

Dear Congressman Grijalva:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20<sup>th</sup> designee.

The EPA established the UWFP in 2011 and continues to lead its coalition of 15 federal agencies, 28 non-governmental organizations, and a broad range of stakeholders. These partners collaborate in implementing projects in 19 locations across the country and have created a model that is available to all communities through the UWFP's handbook, toolkits, national workshops, webinars, and a peer-to-peer learning network.

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Again, thank you for your letter and your interest in the UWFP. If you have further questions, please contact me or your staff may contact Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at [borum.denis@epa.gov](mailto:borum.denis@epa.gov) or (202) 564-4836.

Sincerely,

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David P. Ross  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 23 2019

OFFICE OF WATER

The Honorable Ruben Gallego  
House of Representatives  
Washington, D.C. 20515

Dear Congressman Gallego:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20<sup>th</sup> designee.

The EPA established the UWFP in 2011 and continues to lead its coalition of 15 federal agencies, 28 non-governmental organizations, and a broad range of stakeholders. These partners collaborate in implementing projects in 19 locations across the country and have created a model that is available to all communities through the UWFP's handbook, toolkits, national workshops, webinars, and a peer-to-peer learning network.

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Again, thank you for your letter and your interest in the UWFP. If you have further questions, please contact me or your staff may contact Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at [borum.denis@epa.gov](mailto:borum.denis@epa.gov) or (202) 564-4836.

Sincerely,

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David P. Ross  
Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 23 2019

OFFICE OF WATER

The Honorable Debbie Lesko  
House of Representatives  
Washington, D.C. 20515

Dear Congresswoman Lesko:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20<sup>th</sup> designee.

The EPA established the UWFP in 2011 and continues to lead its coalition of 15 federal agencies, 28 non-governmental organizations, and a broad range of stakeholders. These partners collaborate in implementing projects in 19 locations across the country and have created a model that is available to all communities through the UWFP's handbook, toolkits, national workshops, webinars, and a peer-to-peer learning network.

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Again, thank you for your letter and your interest in the UWFP. If you have further questions, please contact me or your staff may contact Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at [borum.denis@epa.gov](mailto:borum.denis@epa.gov) or (202) 564-4836.

Sincerely,

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David P. Ross  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 23 2019

OFFICE OF WATER

The Honorable Paul A. Gosar, D.D.S.  
House of Representatives  
Washington, D.C. 20515

Dear Congressman Gosar:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20<sup>th</sup> designee.

The EPA established the UWFP in 2011 and continues to lead its coalition of 15 federal agencies, 28 non-governmental organizations, and a broad range of stakeholders. These partners collaborate in implementing projects in 19 locations across the country and have created a model that is available to all communities through the UWFP's handbook, toolkits, national workshops, webinars, and a peer-to-peer learning network.

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Again, thank you for your letter and your interest in the UWFP. If you have further questions, please contact me or your staff may contact Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at [borum.denis@epa.gov](mailto:borum.denis@epa.gov) or (202) 564-4836.

Sincerely,

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David P. Ross  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 23 2019

OFFICE OF WATER

The Honorable Greg Stanton  
House of Representatives  
Washington, D.C. 20515

Dear Congressman Stanton:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20<sup>th</sup> designee.

The EPA established the UWFP in 2011 and continues to lead its coalition of 15 federal agencies, 28 non-governmental organizations, and a broad range of stakeholders. These partners collaborate in implementing projects in 19 locations across the country and have created a model that is available to all communities through the UWFP's handbook, toolkits, national workshops, webinars, and a peer-to-peer learning network.

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Again, thank you for your letter and your interest in the UWFP. If you have further questions, please contact me or your staff may contact Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at [borum.denis@epa.gov](mailto:borum.denis@epa.gov) or (202) 564-4836.

Sincerely,

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David P. Ross  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 23 2019

OFFICE OF WATER

The Honorable Tom O'Halleran  
House of Representatives  
Washington, D.C. 20515

Dear Congressman O'Halleran:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20<sup>th</sup> designee.

The EPA established the UWFP in 2011 and continues to lead its coalition of 15 federal agencies, 28 non-governmental organizations, and a broad range of stakeholders. These partners collaborate in implementing projects in 19 locations across the country and have created a model that is available to all communities through the UWFP's handbook, toolkits, national workshops, webinars, and a peer-to-peer learning network.

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Again, thank you for your letter and your interest in the UWFP. If you have further questions, please contact me or your staff may contact Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at [borum.denis@epa.gov](mailto:borum.denis@epa.gov) or (202) 564-4836.

Sincerely,

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David P. Ross  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 23 2019

OFFICE OF WATER

The Honorable David Schweikert  
House of Representatives  
Washington, D.C. 20515

Dear Congressman Schweikert:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20<sup>th</sup> designee.

The EPA established the UWFP in 2011 and continues to lead its coalition of 15 federal agencies, 28 non-governmental organizations, and a broad range of stakeholders. These partners collaborate in implementing projects in 19 locations across the country and have created a model that is available to all communities through the UWFP's handbook, toolkits, national workshops, webinars, and a peer-to-peer learning network.

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Again, thank you for your letter and your interest in the UWFP. If you have further questions, please contact me or your staff may contact Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at [borum.denis@epa.gov](mailto:borum.denis@epa.gov) or (202) 564-4836.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Ross", is positioned above the printed name of the Assistant Administrator.

David P. Ross  
Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 23 2019

OFFICE OF WATER

The Honorable Ann Kirpatrick  
House of Representatives  
Washington, D.C. 20515

Dear Congresswoman Kirpatrick:

Thank you for your March 5, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Urban Waters Federal Partnership (UWFP) and your request to include Arizona's Rio Reimagined project as the UWFP's 20<sup>th</sup> designee.

The EPA established the UWFP in 2011 and continues to lead its coalition of 15 federal agencies, 28 non-governmental organizations, and a broad range of stakeholders. These partners collaborate in implementing projects in 19 locations across the country and have created a model that is available to all communities through the UWFP's handbook, toolkits, national workshops, webinars, and a peer-to-peer learning network.

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Again, thank you for your letter and your interest in the UWFP. If you have further questions, please contact me or your staff may contact Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at [borum.denis@epa.gov](mailto:borum.denis@epa.gov) or (202) 564-4836.

Sincerely,

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David P. Ross  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

April 23, 2019

OFFICE OF THE  
REGIONAL ADMINISTRATOR

The Honorable Sheldon Whitehouse  
United States Senate  
530 SHOB  
Washington, D.C. 20510

Dear Senator Whitehouse:

Thank you for your letter dated April 8, 2019, regarding your support of the Women's Resource Center of Newport's (WRC) proposal for a U.S. Environmental Protection Agency (EPA) Environmental Justice Small Grant (EJSG).

EPA's Office of Policy manages the EJSG program through our Office of Environmental Justice. The EJSG program supports and empowers communities working on solutions to local environmental and public health issues. The program is designed to help communities understand and address exposure to multiple environmental harms and risks. EJSGs fund projects up to \$30,000, depending on the availability of funds in a given year. All projects are associated with at least one qualified environmental statute.

This year's solicitation period ended on March 8, 2019. EPA is currently reviewing each proposal and anticipates that grant recipients will be announced by the end of this fiscal year. The grant recipients for the 2019 EJSGs, along with other information on the awards program, will be posted on our website at <https://www.epa.gov/environmentaljustice/environmental-justice-small-grants-program>.

EPA's EJSGs provide recipients with the support needed to help affected communities create self-sustaining, community-based partnerships that will continuously improve local environments. Please be assured that the WRC's proposal will receive full consideration.

Again, thank you for your letter. If you have any questions, please contact Kate Melanson from my office at [Melanson.Kate@epa.gov](mailto:Melanson.Kate@epa.gov) or at 617-918-1491.

Sincerely,

A handwritten signature in cursive script, reading "Deborah A. Szaro", is positioned above the typed name.

Deborah Szaro  
Acting Regional Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

April 1, 2019

OFFICE OF THE  
REGIONAL ADMINISTRATOR

The Honorable Sheldon Whitehouse  
United States Senate  
530 SHOB  
Washington, D.C. 20510

Dear Senator Whitehouse:

Thank you for your letter in support of the Brownfields Grant Proposal from the City of Woonsocket, RI. I appreciate your interest in the Environmental Protection Agency's (EPA) Brownfields Program and your support of the Riverfront Development District (District) proposal.

Since its inception in 1995, EPA's Brownfields Program has grown into a proven, results-oriented program that has changed the way contaminated property is perceived, addressed, and managed. EPA's Brownfields Program is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. The program is an excellent example of the success that is possible when people of all points of view work together to improve the environment and their communities.

Last year's application process was highly competitive, and EPA evaluated more than 640 grant proposals. From these proposals, EPA announced the selection of approximately 220 grants.

The EPA's selection criteria for grant proposals are available in the *Proposal Guidelines for Brownfields Multipurpose, Assessment, and Cleanup Grants (November 2018)*, posted on our program website at [www.epa.gov/brownfields](http://www.epa.gov/brownfields). Each proposal will be carefully reviewed and evaluated by a selection panel that applies these objective criteria in this highly competitive program. The grant proposal submitted by the District will be given every consideration.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kate Melanson from my office at [Melanson.kate@epa.gov](mailto:Melanson.kate@epa.gov) or at (617) 918-1491.

Sincerely,

A handwritten signature in blue ink, reading "Deborah A. Szaro", is positioned above the printed name and title.

Deborah Szaro  
Acting Regional Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

OFFICE OF THE  
REGIONAL ADMINISTRATOR

April 1, 2019

The Honorable David N. Cicilline  
United States Representative  
2244 RHOB  
Washington, D.C. 20510

Dear Congressman Cicilline:

Thank you for your letter in support of the Brownfields Grant Proposal from the City of Woonsocket, RI. I appreciate your interest in the Environmental Protection Agency's (EPA) Brownfields Program and your support of the Riverfront Development District (District) proposal.

Since its inception in 1995, EPA's Brownfields Program has grown into a proven, results-oriented program that has changed the way contaminated property is perceived, addressed, and managed. EPA's Brownfields Program is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. The program is an excellent example of the success that is possible when people of all points of view work together to improve the environment and their communities.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kate Melanson from my office at [Melanson.kate@epa.gov](mailto:Melanson.kate@epa.gov) at (617) 918-1491.

Sincerely,

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Deborah Szaro  
Acting Regional Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

April 1, 2019

OFFICE OF THE  
REGIONAL ADMINISTRATOR

The Honorable Jack Reed  
United States Senate  
778 SHOB  
Washington, D.C. 20510

Dear Senator Reed:

Thank you for your letter in support of the Brownfields Grant Proposal from the City of Woonsocket, RI. I appreciate your interest in the Environmental Protection Agency's (EPA) Brownfields Program and your support of the Riverfront Development District (District) proposal.

Since its inception in 1995, EPA's Brownfields Program has grown into a proven, results-oriented program that has changed the way contaminated property is perceived, addressed, and managed. EPA's Brownfields Program is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. The program is an excellent example of the success that is possible when people of all points of view work together to improve the environment and their communities.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kate Melanson from my office at [Melanson.kate@epa.gov](mailto:Melanson.kate@epa.gov) or at (617) 918-1491.

Sincerely,

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Deborah Szaro  
Acting Regional Administrator



**Congress of the United States**  
**Washington, DC 20515**

April 24, 2019

Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Mail Code 1101A  
Washington, D.C. 20460

Dear Administrator Wheeler,

Congratulations on your recent confirmation. We appreciate your leadership of the Environmental Protection Agency and particularly your efforts to make the Agency's permitting process more efficient, to provide more certainty and predictability to states, and to revise regulations that are counterproductive and harmful to Utah, including the 2015 Waters of the U.S. rule. We also appreciate your collaboration with Utah to improve ozone levels in the Uinta Basin.

We hope to experience that same level of cooperation with you in resolving the aftermath of the EPA's 2015 Gold King Mine spill. As you are aware, on August 15, 2015, the EPA and its contractors caused the spill of over 3 million gallons of toxic waste into the Animus River and ultimately into rivers in Colorado, Utah, New Mexico, and the Navajo Nation.

Although the EPA immediately accepted responsibility and designated the Bonita Peak Mining District as a Superfund site, the agency has unfortunately done no remediation outside of the district, including in Utah, where the EPA estimates the contamination will ultimately be deposited. The EPA's own estimates from similar contamination sites suggest the damages could be more than \$2 billion.

The failure to begin fixing a problem for which the agency itself has acknowledged responsibility is unfortunate. After two years of settlement discussions, the State of Utah in 2017 sued to preserve its legal rights and that lawsuit was consolidated with similar suits by New Mexico, the Navajo Nation, and other plaintiffs and transferred to the U.S. Federal District Court in New Mexico. Last month the court denied EPA's motion to dismiss, citing Utah's demonstration that the agency hasn't commenced or planned any remedial action in Utah.

Given the court's decision and the nearly four years that have elapsed since the spill, we think it is appropriate to renew settlement discussions. We strongly encourage you to work with the

Department of Justice and the state of Utah to quickly agree on settlement terms. Continuing to litigate the case will waste time and taxpayer money and postpone the critical rehabilitation of Utah's natural resources.

Thank you for your attention.

Sincerely,



Rob Bishop  
Member of Congress



Chris Stewart  
Member of Congress



John Curtis  
Member of Congress

JACK REED  
RHODE ISLAND

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TDD Relay Rhode Island  
(401) 741-5555

<http://reed.senate.gov>

April 4, 2019

Mr. Andrew Wheeler  
Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, Northwest  
Washington, DC 20004

Dear Administrator Wheeler:

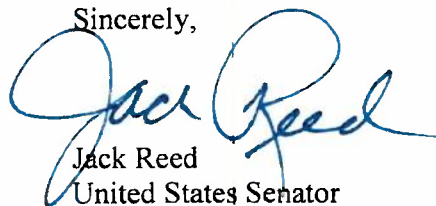
I write to you on behalf of the Town of Westerly, Rhode Island and its application to the FY 2019 Brownfields Multipurpose, Assessment, and Cleanup grant competition. The Town of Westerly's grant application was removed from consideration due to the grant proposal not meeting certain threshold criteria.

As the enclosed correspondence indicates, the Town of Westerly is submitting information to demonstrate that the necessary criteria was included in its grant application. The government shutdown placed a burden on applicants and their ability to communicate application issues prior to the grant deadline.

Therefore, I respectfully ask, within all applicable rules and regulations, that the Town of Westerly's request be reviewed to determine if the threshold criteria had been met and is eligible for consideration.

Thank you for your attention to this request and I look forward to your response.

Sincerely,



Jack Reed  
United States Senator

*Town of Westerly*  
*Rhode Island*

DEPARTMENT OF  
DEVELOPMENT SERVICES

Lisa Pellegrini, Director



Town Hall  
45 Broad Street  
Westerly, RI 02891  
TEL: (401) 348-2553  
FAX: (401) 348-2513

March 25, 2019

Mr. James Bryne  
Program Lead, Cleanup & State Funding  
EPA New England - Region 1  
5 Post Office Square, Suite 100  
OSRR07-2  
Boston, MA 02109-3912

**Re: Town of Westerly Brownfield Grant Threshold Criteria & ABCA Draft**

Dear Mr. Bryne,

Thank you for taking my call on Friday March 22, 2019, regarding the letter we received informing us that we did not meet the threshold criteria requirements in the Town's application for the Brownfields Clean Up Grant. Per your request, I am sending you the draft Analysis of Brownfield Cleanup Alternatives (ABCA) that was available at the Department of Development Services for the public to review and comment on. This document, along with additional site information, including the Phase I Environmental Site Assessment Report, as well as the draft Phase II Environmental Site Assessment Report, was available to the public throughout the grant application period.

I greatly apologize for the misunderstanding and any confusion regarding the format required for the application. I interpreted the requirement to mean the public notice letter was sufficient. I also believed that if the information included in the draft ABCA was incorporated throughout the grant application the requirement would be met.

I am hoping that this information will verify that while there was some confusion as to the format of the application, we did actually fulfill the intent of the requirements of the threshold criteria. The new grant requirements raised many questions as to what was required and what was intended as acceptable format.

Unfortunately, due to the extended government shutdown we were forced to interpret many items on our own. I greatly appreciate the opportunity to clarify our intent and to also explain the hardship we experienced due to the extended federal government shutdown. I sincerely hope that this information will suffice to demonstrate that we did meet the threshold criteria and that we can now proceed with going forward in the grant process.

My sincerest thanks and appreciation for your time and consideration to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "LP", written over a horizontal line.

Lisa Pellegrini  
Director of Development Services

## **Analysis of Brownfields Cleanup Alternatives**

### **Former Bradford Printing & Finishing, 460 Bradford Road, Westerly RI**

**Prepared by the Town of Westerly**

#### **I. Introduction & Background**

##### **a. Site Location**

The former Bradford Printing & Finishing is located at 460 Bradford Road in Westerly, Rhode Island (herein referred to as "the Site").

##### **b. Previous Site Use(s) and any Previous Cleanup/Remediation**

The Site consists of 61.25 acres and is bordered to the north by the Pawcatuck River, to the east by Bradford Road (aka Main Street and Route 216), to the south by residences on Bowling Lane, and to the west by the Pawcatuck River and vacant woodland. The existing mill complex occupies the center portion of the parcel. Four lagoons that were part of a former on-site wastewater treatment system are located on the northwestern portion of the parcel. The southeastern portion of the Site is used for parking while the southwestern portion is wooded. The Site is zoned for general industrial (GI) use.

The Site has been used for mill activities since the early 18th century. Early operations utilized the water power provided by the Pawcatuck River, supporting at various times a sawmill, gristmill, and by the early 19th century, textile mills. Textile operations continued through much of the 19th century, and near the turn of the century the operations shifted to dyeing and finishing of fabrics. In 1910 the Site was bought by Bradford Dyers Association, who then undertook a massive expansion of the millworks. The Site was used as a textile finishing and dying plant from 1911 through 2012 when Bradford Printing & Finishing went bankrupt. Since 1911, the Site has consisted of a large mill complex with storage warehouses and several outbuildings. The Site buildings/structures/areas consist of the following: 1) main mill building complex, 2) warehouse/chemical storage building, 3) a lagoon-based wastewater treatment system, 4) former water supply well network and pump house and 5) vehicle parking and vehicle storage building.

##### **c. Site Assessment Findings**

Utilizing EPA Brownfields Assessment funding, on behalf of the Town of Westerly, Wood Environment & Infrastructure Solutions, Inc. completed an environmental site assessment of the former Bradford Printing & Finishing facility in 2018 which included the following:

- Ground-Penetrating Radar study to clear intrusive subsurface sampling locations and identify potential buried utilities and structures (including underground storage tanks);
- Subsurface soil gas screening investigation for volatile organic compounds;
- Advancement of 18 soil borings and installation of seven groundwater monitoring wells;
- Collection and analysis of groundwater samples from 18 locations;
- Collection and analysis of six surface water samples and eight sediment samples;
- Collection and analysis of 10 soil samples;
- Test pit/exposure of UST to confirm presence and size;
- Synoptic water level round; and
- Survey of all exploration locations.



Key findings of the ESA include the following:

- Groundwater flow at the facility is generally north, northeast and northwest towards the Pawcatuck River.
- The water table is shallow beneath the site, generally encountered within 5 to 15 feet of the ground surface.
- Historically, the treatment system collected/treated water from a variety of onsite sources, including stormwater (parking areas and roofs, etc.), process water and sanitary sewage.
- Numerous drums remain on the site, primarily staged within the main mill building.
- One historic, circa 1922, 10,200-gallon UST was confirmed beneath the floor of the mill building. The UST appeared to contain approximately 5,000 gallons of oily water.
- A variety of analytes were detected in groundwater, surface water, soil, and sediment. Compounds detected above potentially relevant RIDEM GA groundwater and RDEC and I/CDEC soil criteria included PFAS, TPH, PAHs, metals, and VOCs. However, with the exceptions of PFAS, both the frequency of exceedances and concentrations associated with the exceedances were generally low.
- PFAS were detected in all analyzed samples. Concentrations were higher at downgradient locations (lagoons, wells adjacent to river, etc.), and lowest in the background/upgradient well location. Based on an observed drum label, PFAS may have been used in fabric treatment processes for water and stain resistance.
- VOC exceedances were observed in soil and/or groundwater samples from the dyeing area and drum storage building. Compounds exceeding RDEC or GA criteria included chlorinated compounds, often used in industrial and fabric preparation processes for cleaning and degreasing.
- Arsenic was the only metal detected at concentrations above relevant criteria. It was detected at one location slightly above its RDEC and I/CDEC of 7 mg/kg.
- SVOCs were present at low levels in soil and sediment. However, the only RDEC exceedance was in one soil sample, SS-4, where two PAHs slightly exceeded the criteria. The sample, SS-4, was from the railroad siding. PAHs are often found in soils from railroad yards, sidings, and railroad rights-of-way, and are associated with railroad ties, coal and cinders, and fuel and lubricating oils resulting from standard railroad operations.
- Due to the detection of numerous contaminants at levels exceeding their respective RIDEM criteria, a Notification of Release should be prepared and submitted to the RIDEM Office of Waste Management in accordance with Section 5.01 of the RIDEM Remediation Regulations.
- Based on a preliminary visual inspection, asbestos-containing materials are present throughout much of the facility.

#### **d. Project Goal**

The planned reuse of the Former Bradford Printing & Finishing Site is a mixed use industrial/commercial campus. Prior to creation of the campus, the four former wastewater lagoons will be dewatered, the PFAS contaminated water will be disposed of, and the four lagoons will be backfilled with certified clean low permeable fill material to create an engineered cap. Groundwater monitoring of four existing PFAS contaminated downgradient groundwater monitoring wells located between the lagoons and the Pawcatuck River will be performed periodically over time to document that removal of the contaminated lagoon water and encapsulation of the contaminated lagoon sediment is a positive outcome of the implementation of the Town of Westerly Brownfields Cleanup Grant.

An Environmental Land Usage Restriction (ELUR) would be established to require future inspections and maintenance of this engineered cap. This ELUR would be recorded in the land evidence records for the Site with the Town of Westerly. There would also be a Soil Management Plan prepared for the Site to provide procedures to be followed during any future development that would affect the engineered cap.

## **II. Applicable Regulations and Cleanup Standards**

### **a. Cleanup Oversight Responsibility**

The Rhode Island Department of Environmental Management (RIDEM) Voluntary Cleanup Program (VCP) is the regulatory cleanup authority associated with the Site. RIDEM's VCP was officially recognized by EPA Region I in a Memorandum of Agreement signed in 1998. The Site is secured with a locked perimeter fence, RIDEM is fully aware of the Site contaminants, and the Town will award a contract to an on-call environmental engineering firm to oversee implementation of the remedy. The environmental engineering firm will be required to be familiar with the RIDEM VCP Rules and Regulations, and will be on call should anything unexpected happen during the cleanup of the Site. In addition, a local policing unit will routinely patrol the perimeter of the Site. The cleanup will be overseen by RIDEM, and all documents prepared for the Site will be submitted to RIDEM's Office of Waste Management.

### **b. Cleanup Standards for Major Contaminants**

RIDEM's Industrial/Commercial Direct Exposure Criteria is applicable for an industrial/commercial campus and will be used as the cleanup standards at the Site.

### **c. Laws & Regulations Applicable to the Cleanup**

RIDEM's Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (Remediation Regulations) are applicable to the Site and will be followed throughout remediation and redevelopment activities. Other applicable laws include, but are not limited to, the Federal Small Business Liability Relief and Brownfields Revitalization Act, the Federal Davis-Bacon Act, and Federal, State, and local laws regarding procurement of contractors to conduct the cleanup.

## **III. Evaluation of Cleanup Alternatives**

### **a. Cleanup Alternatives Considered**

To address contamination at the Site, three different alternatives were considered, including Alternative #1: No Action, Alternative #2: Capping, and Alternative #3: Excavation with Offsite Disposal.

### **b. Cost Estimate of Cleanup Alternatives**

To satisfy EPA requirements, the effectiveness, implementability, and cost of each alternative must be considered prior to selecting a recommended cleanup alternative.

#### Effectiveness

**Alternative #1:** No Action is not effective in controlling or preventing the exposure of receptors to contamination at the Site.

**Alternative #2:** Capping is an effective way to prevent receptors from coming into direct contact with contaminated sediments at the Site. An Environmental Land Usage Restriction (ELUR) would be established to require future inspections and maintenance of this engineered cap. This ELUR would be recorded in the land evidence records for the Site with the Town of Westerly. There would also be a Soil Management Plan prepared for the site to provide procedures to be followed during any future site development that would affect the engineered cap.

**Alternative #3:** Excavation with Offsite Disposal is an effective way to eliminate risk at the Site, since contamination will be removed and the exposure pathways will no longer exist.

#### Implementability

**Alternative #1:** No Action is easily implementable.

**Alternative #2:** Capping is relatively easy to implement, and ongoing monitoring and maintenance of the cap is also easy to implement.

**Alternative #3:** Excavation with offsite disposal is moderately difficult to implement. Coordination (e.g., dust suppression and monitoring) during cleanup activities and short-term disturbance to the community (e.g., trucks transporting contaminated sediments and backfill) are anticipated. However, ongoing monitoring and maintenance will not be required following excavation and offsite disposal.

#### Cost

There will be no costs under Alternative #1: No Action. It is estimated that Alternative #2: Capping costs will be on the order of \$500,000. Alternative #3: Excavation with Offsite Disposal is estimated to cost roughly \$2,000,000.

#### **c. Recommended Cleanup Alternative**

The recommended cleanup alternative is Alternative #2: Capping. Alternative #1: No Action cannot be recommended since it does not address Site risks. Alternative #3: Excavation and Offsite Disposal would require extensive dust suppression and monitoring efforts, and cause disruption to the neighboring community. Alternative #2: Capping would be less disruptive to the neighboring community, and is a cost effective way to create an industrial/commercial campus to help support the neighboring community. For these reasons, Alternative #2: Capping is the recommended alternative.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

March 14, 2019

Lisa Pellegrini  
Town of Westerly  
45 Broad Street  
Westerly, RI 02891

Re: Town of Westerly, Rhode Island Cleanup Grant Application for the Bradford Dye Association property

Dear Ms. Pellegrini:

Thank you for submitting a grant proposal for the Environmental Protection Agency's (EPA) FY 2019 Brownfields Multipurpose, Assessment, and Cleanup Grant competition. **I regret to inform you that your grant proposal failed to meet certain threshold (pass/fail) criteria** as outlined in the *Proposal Guidelines for Brownfields Multipurpose, Assessment, and Cleanup Grants (November 2018)* (the Guidelines).

Your application failed to meet the community notification requirements stated in the Guidelines. The Guidelines (Section III.B.12) require that the applicant attach to the proposal a copy of the draft Analysis of Brownfield Cleanup Alternatives (ABCA) and a draft ABCA was not attached to your proposal. In addition, the Guidelines require that the applicant provide an opportunity to comment on the draft grant proposal, including the draft ABCA. The town's community notification does fully make clear that a copy of the draft proposal and ABCA is available for review and comment.

Failing a threshold criterion means that the grant proposal did not pass an eligibility determination and, therefore, will not receive any further consideration in the evaluation process and will not be able to receive funding in this fiscal year 2019 grant competition.

You may receive more detailed information regarding the basis for our decision on your proposal's ineligibility by making a request to me within 15 calendar days of the date you receive this letter. Upon receiving a debriefing request, I will contact you to schedule a debriefing at a mutually agreeable time and place as soon as practicable, or alternatively provide you with a written debriefing letter as soon as practicable, depending on your preference.

For further information about the debriefing process and your dispute rights with respect to competition-related issues under the subject announcement, please refer to Section VI. of the Guidelines. If you have any questions about the debriefing and dispute process, you may contact me directly.

EPA commends your efforts and appreciates the time and energy you put into preparing your proposal. Although your grant proposal is considered ineligible at this time, we thank you for your continued efforts to return brownfields to productive use and hope that we can continue to work

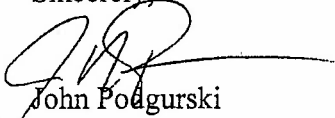
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together on addressing brownfields sites in your community. If you have questions or need additional information, please contact Jim Byrne at [byrne.james@epa.gov](mailto:byrne.james@epa.gov) or 617-918-1389.

Sincerely,



John Podgurski  
Brownfields Section Chief

cc: Jerry Minor-Gordon, Office of Brownfields & Land Revitalization  
Dorrie Paar, Region 1 National Panel Coordinator  
Jim Byrne, Region 1 Cleanup Lead